Report of the Human Rights Committee

Volume I

General Assembly

Official Records • Fifty-fourth Session
Supplement No. 40 (A/54/40)

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NOTE

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I. ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the International Covenant on Civil and Political Rights

1. As at 30 July 1999, the closing date of the sixty-sixth session of the Human Rights Committee, 145 States had ratified, acceded or made a declaration of succession [1] to the International Covenant on Civil and Political Rights, and 95 States had ratified or acceded to the Optional Protocol to the Covenant. [2] Both instruments have been in force since 23 March 1976. Since the last report three more States have become parties to the Covenant: Burkina Faso, Liechtenstein and South Africa. Tajikistan, which the Committee already deemed a State party by virtue of succession [1] also made a formal accession. Three more States have become parties to the Optional Protocol: Burkina Faso, Liechtenstein and Tajikistan. Also as at 30 July 1999, 47 States had made the declaration envisaged under article 41, paragraph 1, of the Covenant, which came into force on 28 March 1979, an increase since the Committee's last report of two: Liechtenstein and South Africa.

2. The Second Optional Protocol, aiming at the abolition of the death penalty, entered into force on 11 July 1991. As at 30 July 1999, there were 38 States parties to this Protocol, an increase since the Committee's last Report of five: Azerbaijan, Belgium, Georgia, Liechtenstein and Slovakia.

3. A list of States parties to the Covenant and to the Optional Protocols, indicating those which have made the declaration under article 41, paragraph 1, of the Covenant, is contained in annex I to the present report.

4. Reservations and other declarations made by a number of States parties in respect of the Covenant and/or the Optional Protocols are set out in the notifications deposited with the Secretary-General.

B. Sessions

5. The Human Rights Committee held three sessions since the adoption of its previous annual report. The sixty-fourth session (1700th to 1728th meetings) was held at the United Nations Office at Geneva from 19 October to 6 November 1998, the sixty-fifth session (1729th to 1753rd meetings) was held at United Nations Headquarters from 22 March to 9 April 1999, and the sixty-sixth session (1754th to 1782nd meetings) was held at the United Nations Office at Geneva from 12 to 30 July 1999.

C. Elections, membership and attendance

6. At the Eighteenth Meeting of States Parties to the Covenant, held at United Nations Headquarters on 10 September 1998, Mr. Roman Wieruszewski (Poland) was elected to the seat left vacant following the resignation of Mr. Danilo Türk [4] for a term to end on 31 December 2000.

7. Also at the Eighteenth Meeting of States Parties, the following members were elected for a term expiring on 31 December 2002: Mr. Abdelfattah Amor (Tunisia), Mr. Nisuke Ando (Japan), Mr. Prafullachandra Natwarlal Bhagwati (India), Mr. Thomas Buergenthal (United States of America), Ms. Christine Chanet (France), Mr. Eckart Klein (Germany), Mr. David Kretzmer (Israel), Mrs. Cecilia Medina Quiroga (Chile) and Mr. Hipólito Solari Yrigoyen (Argentina).

8. By letter of 28 May 1999, the Chairperson notified the Secretary-General of the resignation of Mr. Thomas Buergenthal, with effect from 26 May 1999. At its 1754th meeting, on 12 July 1999, the Committee expressed its appreciation for Mr. Buergenthal's contribution. Mr. Buergenthal's mandate was due to expire on 31 December 2002, and the vacancy will be filled at the election to be held in New York on 13 September 1999, at the Nineteenth Meeting of States Parties.

9. At its 1728th meeting (sixty-fourth session), the Committee expressed its appreciation for the contribution made to the Committee's work by the two long-serving outgoing members, Mr. Omran El Shafei and Mr. Julio Prado Vallejo.

10. All the members of the Committee participated at the sixty-fourth and sixty-fifth sessions. Seventeen members participated at the sixty-sixth session, following the resignation of Mr. Buergenthal.

D. Solemn declaration

11. At the 1700th meeting (sixty-fourth session), on 19 October 1998, Mr. Wieruszewski made a solemn declaration in accordance with article 38 of the Covenant before assuming his functions.

12. At the 1729th meeting of the Committee (sixty-fifth session), on 22 March 1999, Mr. Amor, Mr. Ando, Mr. Bhagwati, Mr. Buergenthal, Ms. Chanet, Mr. Klein, Mr. Kretzmer, Ms. Medina Quiroga and Mr. Solari Yrigoyen, who had been elected at the Eighteenth Meeting of States Parties, also made a solemn declaration.

E. Election of officers

13. At its 1729th meeting (sixty-fifth session), the Committee elected the following officers for a term of two years, in accordance with article 39, paragraph 1, of the Covenant:

Chairperson:	Ms. Cecilia Medina Quiroga
Vice-Chairpersons:	Mr. Abdelfattah Amor Mr. Prafullachandra Natwarlal Bhagwati Ms. Elizabeth Evatt
Rapporteur:	Lord Colville

14. During its sixty-fifth session the Committee decided that interpretations should be provided for the meetings of its Bureau. Three Bureau meetings, with interpretation, were held during the sixty-sixth session.

15. At its 1729th meeting (sixty-fifth session), the Committee expressed its deep appreciation to Ms. Christine Chanet, the outgoing Chairperson, for her leadership and outstanding contribution to the success of the Committee's work.

F. Special rapporteurs

16. In accordance with the Committee's decision, made at the thirty-fifth session, to designate a Special Rapporteur to process new communications, Mr. Kretzmer was so designated at the sixty-fifth session. In accordance with the Committee's decision, made at its thirty-ninth session, Mr. Pocar was designated at the sixty-fifth session as Special Rapporteur for the follow-up on Views.

G. New guidelines for States parties' reports

17. At its 1779th meeting (sixty-sixth session), the Committee adopted consolidated guidelines for States parties reports (CCPR/C/66/GUI).

H. Working groups

18. In accordance with rule 62 and rule 89 of its rules of procedure, the Committee established working groups which met before each of its three sessions. Working groups were entrusted with the task of making recommendations (a) regarding communications received under the Optional Protocol; and (b) for the purposes of article 40, including the preparation of concise lists of issues concerning the initial or periodic reports scheduled for examination by the Committee. The Working Group on Article 40 was also mandated to study the Committee's working methods. Further, it held discussions with representatives of the specialized agencies and subsidiary bodies, particularly the International Labour Organization, the Office of the United Nations High Commissioner for Refugees, the World Health Organization, the United Nations Development Programme and the United Nations Children's Fund, in order to obtain advance information on the reports to be considered by the Committee. To that end, the Working Group also met representatives of non-governmental organizations, including Amnesty International, Equality Now, Human Rights Watch, the International Federation of Human Rights Leagues, the International Service for Human Rights, the Lawyers Committee for Human Rights, and several local organizations. The Committee welcomed the increasing interest shown and participation by these agencies and organizations and thanked them for the information provided.

19. Sixty-fourth session (12-16 October 1998): the combined Working Group on Communications and Article 40 was composed of Mr. Bhagwati, Lord Colville, Mr. El Shafei and Mr. Prado Vallejo; Mr. El Shafei was elected Chairman-Rapporteur.

20. Sixty-fifth session (15-19 March 1999): the combined Working Group on Communications and Article 40 was composed of Mr. Ando, Mr. Bhagwati, Ms. Chanet, Ms. Evatt, Mr. Kretzmer, Ms. Medina Quiroga, Mr. Wieruszewski and Mr. Yalden; Ms. Evatt was elected Chairman-Rapporteur.

21. Sixty-sixth session (5-9 July 1999): the combined Working Group on Communications and Article 40 was composed of Lord Colville, Ms. Evatt, Mr. Kretzmer, Ms. Medina Quiroga, Mr. Pocar, Mr. Solari Yrigoyen, Mr. Wieruszewski and Mr. Yalden; Mr. Yalden was elected Chairman-Rapporteur.

I. Other United Nations human rights activities

22. At all of the Committee's sessions, the representative of the Secretary-General informed the Committee about activities carried on by United Nations bodies dealing with human rights issues; in particular, results of sessions of the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Committee on Economic, Social and Cultural Rights, and the Committee against Torture were presented to the Human Rights Committee. Recent activities of the General Assembly and the Commission on Human Rights relevant to the work of the Committee were also described. The United Nations High Commissioner for Human Rights, Mrs. Mary Robinson, addressed the sixty-fourth session of the Committee. The Deputy High Commissioner for Human Rights, Mr. Bertrand Ramcharan, addressed the sixty-sixth session of the Committee.

23. On 24 November 1997, Mr. Alain Pellet, the then Chairman of the International Law Commission and Special Rapporteur on treaty reservations, wrote to the Chairperson of the Committee to invite the Committee to comment on the Commission's Preliminary Conclusions on Reservations to Normative Multilateral Treaties, including Human Rights Treaties. Following consideration of the Preliminary Conclusions in the light of the Committee's general comment on issues relating to reservations to the Covenant or to the Optional Protocol, the Chairperson sent the Committee's comments to the International Law Commission in a letter dated 5 November 1998 (annex VI). It was apparent from Mr. Pellet's fourth report of 25 March 1999 (A/CN.4/499, para. 10) that other treaty bodies had adopted a position similar to that set out in the Chairperson's letter.

24 At the 1739th meeting (sixty-fourth session) on 30 March 1999, a representative of the Division for the Advancement of Women, Ms. Jane Connors, addressed the Committee on the adoption by the Commission on the Status of Women, on 12 March 1999, of an Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women on the submission of individual communications and inquiry procedures for the Convention.

J. Derogations pursuant to article 4 of the Covenant

25. During the period under review the Government of Guatemala, on 23 November 1998, declared a state of public disaster throughout the national territory for a period of 30 days, in order to address the hazardous situation caused by Hurricane Mitch and to mitigate its effects. The declaration was duly notified to the Secretary-General. On 12 January 1999 the Government of Ecuador declared a state of emergency in Guayas province, indicating that the measure was prompted by the serious internal disturbance resulting from the massive crime wave in Guayas. On 9 March 1999 a state of national emergency was

proclaimed and the entire territory of Ecuador was declared as a security zone. On 12 April 1999 the Government of Ecuador notified the Secretary-General that the state of national emergency had been lifted on 18 March 1999.

K. Minimum humanitarian standards/fundamental standards of humanity

26. The Commission on Human Rights, in its resolution 1997/21 on minimum humanitarian standards, requested the Secretary-General, in coordination with the International Committee of the Red Cross, to submit to the Commission at its fifty-fourth session an analytical report on the issue of fundamental standards of humanity, taking into consideration in particular issues raised in the report of the International Workshop on Minimum Humanitarian Standards, held in Cape Town, South Africa in September 1996. In preparing his study, the Secretary-General was requested to seek the views of and information from, inter alia, the human rights treaty bodies. Accordingly, the Committee established a working group to deal with issues relating to fundamental standards of humanity. Following discussion at the sixty-fourth session of various approaches to the relationship of human rights law and humanitarian law in general, and to the interpretation of article 4, paragraph 1, of the Covenant in particular, a rapporteur, Mr. Martin Scheinin, was named to prepare a new general comment on article 4 of the Covenant on the basis of a revision of its existing general comment 5 (13). A draft was distributed in the working languages during the sixty-sixth session.

27. The Committee considered that further study of the matter identified by the Commission would be useful and looked forward to being consulted in the process. At its fifty-fifth session in 1999 the Commission on Human Rights adopted resolution 1999/65 in which the Commission welcomed the report of the Secretary-General on fundamental standards of humanity (E/CN.4/1999/92) and invited, inter alia, Governments, United Nations bodies and the human rights treaty bodies to provide comments on the report and on the previous analytical report of the Secretary-General (E/CN.4/1998/87 and Add. 1). The Committee will comply with this request.

L. Staff resources

28. The Committee welcomed the commitment expressed by the United Nations High Commissioner for Human Rights, Mrs. Mary Robinson, to improve the staff situation referred to in the last annual report. [5] Members of the Committee met with the High Commissioner during the sixty-fourth session to discuss necessary improvements for the 2000-2001 biennium. The High Commissioner informed the Committee of her request for additional Professional and General Service posts to keep up with the growing number of States parties to the Covenant and to the Optional Protocol and the consequent increased workload. The Committee emphasized the need for sufficient Professional and other staff to be allocated with experience in all aspects of the Committee's work and specific responsibilities for that work.

M. Publicity for the work of the Committee

29. The Chairperson, accompanied by members of the Bureau, met with the press at all of the Committee's three sessions. Some of those meetings were held in mid-session to create better opportunities for the media to be informed about the Committee's activities.

N. Documents and publications relating to the work of the Committee

30. The Committee continued to be seriously concerned about the difficulties it faced in regard to the late issuance of Committee documents, particularly reports by States parties, as a consequence of delays in editing and translation. In this connection the Committee noted its preference that reports of States parties, whenever possible, be submitted for translation without editing.

31. The Committee noted further that the summary records of the Committee meetings were issued only after considerable delay; summary records from the New York meetings were sometimes issued after a lapse of more than one year.

32. Members of the Committee expressed satisfaction over the fact that the second volume of its annual report for 1998, containing the Views adopted by the Committee under the Optional Protocol, was issued in time for the General Assembly, whereas in prior years, volume II, although prepared, had not been published. The Committee welcomed the recent publication, albeit very late, of volume II for 1995 [6] and for 1996. [7] It also welcomed the fact that the preparation and editing of volume III of the Selected Decisions adopted under the Optional Protocol had been completed and that the volume was to be published shortly. It urged that the preparation of the fourth and subsequent volumes be undertaken as a matter of priority.

33. The Committee reiterated its concern over the discontinuation of the publication of its Official Records after 1992-1993, volume II, and noted with regret that resources had not been made available for the publication of further volumes. It further noted that while the donation from the Sasakawa Foundation had made it possible to issue the last volumes, the funds from that donation had been exhausted. The Committee welcomed the fact that the matter had been brought to the attention of the OHCHR Publications Board and to the OHCHR fund raiser with a view to obtaining alternative sources of financing.

34. The Committee welcomed the opening and further development of the Website of the Office of the High Commissioner for Human Rights (http://www.unhchr.ch), at which Internet users have access to the treaty bodies database, including all Views under the Optional Protocol since the forty-sixth session (October-November 1992). The Committee noted that the input of material was incomplete, especially in regard to the Committee's jurisprudence, and that there was no adequate search function. Reservations and other declarations made by a number of States parties were, however, published on the Website.

35. The Committee had ascertained that the documentary records which had not yet appeared in the Official Records of the Committee were not all available on the Website. The Committee asked that urgent efforts be made to ensure that all

material not yet published in the Official Records be put on the database. It asked that the summary records include the lists of issues in relation to the discussion of States parties' reports.

O. Future meetings of the Committee

36. At its sixty-sixth session, the Committee confirmed the following schedule of meetings for 2000-2001: the sixty-eighth session to be held at United Nations Headquarters from 13 to 31 March 2000; the sixty-ninth session at the United Nations Office at Geneva from 10 to 28 July 2000; the seventieth session at the United Nations Office at Geneva from 16 October to 3 November 2000; the seventy-first session, to be held at United Nations Headquarters from 19 March to 6 April 2001; the seventy-second session at the United Nations Office at Geneva from 9 to 27 July 2001; and the seventy-third session at the United Nations Office at Geneva from 15 October to 2 November 2001.

P. Adoption of the report

37. At its 1780th and 1781st meetings, held on 29 July 1999, the Committee considered the draft of its twenty-third annual report, covering its activities at its sixty-fourth, sixty-fifth and sixty-sixth sessions, held in 1998 and 1999. The report, as amended in the course of the discussion, was adopted unanimously.

II. METHODS OF WORK OF THE COMMITTEE UNDER ARTICLE 40 OF THE COVENANT: NEW DEVELOPMENTS

38. The present chapter aims to summarize and explain the modifications recently introduced by the Committee to its working methods under article 40 of the Covenant. A detailed account of the methods of work applied by the Committee for the consideration of reports submitted by States parties appears in the Committee's three previous annual reports. [8]

A. Recent decisions on procedures

39. At its sixty-fifth session, the Committee reviewed its practice of establishing the lists of questions for the examination of States parties reports during the pre-sessional working group and formally adopting the lists only on the first day of the plenary. It was noted that under this procedure States parties only had a few days to familiarize themselves with the questions and to obtain relevant information from all the competent authorities so as to be able to address the Committee's concerns. It was therefore decided that henceforth, insofar as possible, lists of issues would be adopted at the session prior to the examination of a report, thereby allowing a period of at least two months for States parties to prepare for the discussion with the Committee. Central to the examination of States parties reports is the oral hearing, where the delegations of States parties have the opportunity to answer specific questions from the members of the Committee. Thus, States parties are encouraged to use the list of questions to better prepare for a constructive discussion, but are not expected to submit written answers to the list of issues.

40. At the sixty-sixth session, the Committee adopted new consolidated guidelines on States parties reports, which replace all prior guidelines and aim to facilitate the preparation of initial and periodic reports by States parties. These guidelines provide for comprehensive initial reports written on an article-by-article basis, and targeted periodic reports geared primarily to the Committee's concluding observations and following, to the extent necessary, the article-by-article approach. In their periodic reports States parties need not report on every article, but only on those articles identified by the Committee in its concluding observations and those articles concerning which there have been important developments since the submission of the previous report. A document on procedures for the consideration of initial and periodic reports, adopted on 9 April 1998, is reproduced as Annex VIII to the last annual report. [9] This document, and the Committee's other decisions concerning guidelines for the submission of reports (summarized in the report to the General Assembly at its fifty-second session [10]) are now superseded.

B. Links to other human rights treaties and treaty bodies

41. The Committee finds value in the meeting of persons chairing the human rights treaty bodies as a forum for the exchange of ideas and information on procedures and logistical problems, particularly the need for sufficient services to enable the various treaty bodies to carry out their respective mandates.

42. Mr. Omran El Shafei, Vice-Chairperson of the Committee until December 1998, participated in the tenth meeting of chairpersons, held in Geneva in September 1998. The outcome of the tenth meeting was discussed at the sixty-fourth session. Mrs. Medina Quiroga, the Chairperson of the Committee since March 1999, participated in the eleventh meeting of chairpersons, held in Geneva in May/June 1999. Among the matters discussed were:

(a) The question of the backlog of communications under the Optional Protocol;

(b) The question of staff resources;

(c) The draft plan of action;

(d) The question of follow up to Views and to concluding observations on States parties reports;

(e) The study on treaty bodies by Prof. Anne Bayefsky and Prof. Cristof Heyns.

43. The outcome of the eleventh meeting of chairpersons was discussed at the sixty-sixth session of the Committee (meetings 1769 and 1770) on 21 and 22 July 1999. The Committee noted that a joint plan of action to enhance the implementation of the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment had been welcomed by the chairpersons at their eleventh meeting and was before the three committees with a view to its adoption at an early date. The Committee, however, has had difficulty in endorsing the concept of a joint plan of action, and indeed some aspects of the plan with respect to its effects on the Committee's work.

44. Members of the Committee were pleased to note that the draft proposal for a plan of action reflected the recognition of the Office of the High Commissioner for Human Rights that additional staff was urgently needed. The Committee strongly believes, however, that in the allocation of resources the Secretary-General should give priority to ensuring that the Committee can carry out its core tasks. Moreover, because the Committee's mandate is of an ongoing, permanent nature, it is essential to ensure both appropriate expertise and continuity of resources. In this connection, the Chairperson of the Committee addressed a letter to the High Commissioner (reproduced as annex VII). As of the date of adopting the present report, there has been no response. The reply of the High Commissioner will be distributed to the sixty-seventh session of the Committee.

45. Pending the adoption of the new reporting guidelines, no progress has been made on the aspiration, expressed at the Chairpersons' meeting and by many States parties, to coordinate reports to the different treaty bodies where the issues and problems display common factors; this requires further consideration and, to some extent, will depend on the contemporaneity of the reporting timetables.

III. SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

46. Under article 2, paragraph 1, of the International Covenant on Civil and Political Rights, each State party undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant. In connection with this provision, article 40, paragraph 1, of the Covenant requires States parties to submit reports on the measures adopted and the progress achieved in the enjoyment of the various rights and on any factors and difficulties that may affect the implementation of the Covenant. States parties undertake to submit reports within one year of the entry into force of the Covenant for the State party concerned and thereafter whenever the Committee so requests. Under the Committee's current guidelines, adopted at the sixty-sixth session, the date for the next periodic report by a State party is now set at the end of the Committee's concluding observations on any report under article 40.

A. Report submitted to the Secretary-General from August 1998 to July 1999

47. During the period covered by the present report, 12 initial or periodic reports were submitted to the Secretary-General: an initial report was submitted by Uzbekistan; second periodic reports were submitted by Guyana, Ireland and Switzerland; third periodic reports by Australia and the Netherlands (Antilles); fourth periodic reports by Australia, Denmark, the Netherlands (Antilles), Portugal (Macau) and Yugoslavia. China presented the first report on the Special Administrative Region of Hong Kong, which followed four reports submitted by the United Kingdom of Great Britain and Northern Ireland in relation to Hong Kong.

B. Overdue reports and non-compliance by States parties with their obligations under article 40

48. States parties to the Covenant must submit the reports referred to in article 40 of the Covenant on time so that the Committee can duly perform its functions under that article. Those reports are the basis of the discussion between the Committee and States parties on the human rights situation in States parties. Regrettably, serious delays have been noted since the establishment of the Committee. For example, at its sixty-fourth session in October/November 1998, the Committee decided to request overdue reports from Trinidad and Tobago and from Yugoslavia. On 5 March 1999 Yugoslavia submitted its fourth periodic report. During the sixty-fifth session, held in March 1999 in New York, the Committee met with the Attorney-General of Trinidad and Tobago, who undertook to submit the report soon.

49. More generally, the Committee noted with regret that there are 138 initial and periodic reports overdue and that 83 States parties to the Covenant, or nearly two thirds of all States parties, were in arrears with their reports.

This was a matter of serious concern, as the failure of States to submit reports prevented the Committee from performing its monitoring functions under article 40 of the Covenant. The Committee again decided to list in its annual report to the General Assembly the States parties that had a report more than five years overdue, as well as those that had not submitted reports requested by a special decision of the Committee. The Committee wished to reiterate that those States were in serious default of their obligations under article 40 of the Covenant.

States parties that have reports more than five years overdue (as of 30 July 1999) or that have not submitted a report requested by a special decision of the Committee

State party	Type of report	Date due	Years overdue
Syrian Arab Republic	Second	18 August 1984	14
Gambia	Second	21 June 1985	14
Suriname	Second	2 August 1985	13
Kenya	Second	11 April 1986	13
Mali	Second	11 April 1986	13
Democratic People's Republic of Korea	Second	13 December 1987	11
Equatorial Guinea	Initial	24 December 1988	10
Central African Republic	Second	9 April 1989	10
Trinidad and Tobago	Third	20 March 1990	9
Togo	Third	31 December 1990	8
Barbados	Third	11 April 1991	8
Somalia	Initial	23 April 1991	8
Nicaragua	Third	11 June 1991	8
Viet Nam	Second	31 July 1991	7
Democratic Republic of the Congo	Third	31 July 1991	7
Portugal	Third	1 August 1991	7
Netherlands (Antilles)	Third	31 October 1991	7
Saint Vincent and the Grenadines	Second	31 October 1991	7
San Marino	Second	17 January 1992	7
Panama	Third	31 March 1992	7

State party	Type of report	Date due	Years overdue
Rwanda	Third	10 April 1992	7
Madagascar	Third	31 July 1992	6
Croatia	Initial	7 October 1992	6
Grenada	Initial	5 December 1992	6
Albania	Initial	3 January 1993	6
Philippines	Initial	22 January 1993	6
Bosnia and Herzegovina	Second	5 March 1993	6
Benin	Initial	11 June 1993	6
Côte d'Ivoire	Initial	25 June 1993	6
Seychelles	Initial	4 August 1993	5
Czech Republic	Initial	31 December 1993	5
Angola	Initial/ Special	31 January 1994	5
Niger	Second	31 March 1994	5
Dominican Republic	Fourth	3 April 1994	5
Afghanistan	Third	23 April 1994	5
Republic of Moldova	Initial	25 April 1994	5

50. The Committee drew particular attention to 12 initial reports which had not yet been presented. The result was to frustrate the entire objective of ratifying the Covenant. There was no opportunity even to commence a discussion of the human rights situation in those States.

51. The Committee noted that in the period under review, three States parties (Cambodia, Cameroon and the Republic of Korea) whose reports had been listed for consideration at the sixty-fourth and sixty-sixth sessions respectively, notified the Committee a short time before the session that they could not take part in it. The Committee expressed its concern at this failure of States to cooperate in the reporting process and especially their withdrawal at a late stage; such conduct obstructed the Committee in the effective discharge of its functions.

52. At the sixty-sixth session two States (Mexico and Romania) whose reports were considered by the Committee presented to the secretariat addenda updating

the information one working day before the scheduled examination of the report. The addenda were duly copied and distributed to the members in the language of submission. While the Committee very much appreciated receiving updated information to enhance the dialogue, it drew the attention of States parties to the fact that addenda could only be fully taken into account if they were received at least 10 weeks before the examination of a report, so as to ensure their translation into the working languages of the Committee members.

IV. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

53. The following sections, arranged on a country-by-country basis in the sequence followed by the Committee in its consideration of the reports, contain the concluding observations adopted by the Committee with respect to the States parties' reports considered at its sixty-fourth, sixty-fifth and sixty-sixth sessions. The Committee's recommendations are indented.

A. Iceland

54. The Committee considered the third periodic report of Iceland (CCPR/C/94/Add.2) at its 1704th and 1705th meetings, held on 21 October 1998 (CCPR/C/SR.1704-1705), and adopted the following concluding observations at its 1717th meeting, held on 29 October 1998.

1. Introduction

55. The Committee welcomes the timely and comprehensive report submitted by the Government of Iceland. The Committee also expresses its appreciation for the provision, by the Icelandic delegation of further information about developments in the implementation of human rights in Iceland subsequent to the submission of the report. The written information submitted by the delegation in reply to the Committee's list of issues was particularly useful. The Committee also expresses its appreciation for the constructive and open dialogue it had with the Icelandic delegation.

2. Positive factors

56. The Committee commends the State party for its excellent record in the implementation of the provisions of the Covenant. It notes with appreciation that the second periodic report of Iceland as well as the Committee's concluding observations thereon were widely disseminated and were the subject of public debate, which contributed to recent constitutional and legislative changes in the field of human rights.

57. The Committee welcomes the fact that Iceland has withdrawn its reservation to articles 8, paragraph 3 (a), and 13 of the Covenant.

58. The Committee expresses satisfaction at the adoption of Constitutional Act No. 97/1995 amending the human rights provisions of the Constitution, which now reflects to a greater extent the provisions of various international human rights instruments, including the International Covenant on Civil and Political Rights. The Committee also expresses its satisfaction that the constitutional amendments give strength to the principle of the indivisibility of civil, political, economic, social and cultural rights.

59. The Committee takes note of the intense legislative activity in matters covered by the Covenant that has taken place in Iceland since the examination of the second periodic report. It expresses its appreciation that the newly adopted laws contribute to better protection of fundamental rights in the State party. Of particular interest in this respect are the adoption of Act No. 62/1994 incorporating the Convention on Human Rights, the Act on the

Judiciary (No. 15/1998), and the amendments to the Foreign Nationals Supervision Act (No. 45/1965), the Personal Names Act (No. 45/1996) and the Act on Administrative Procedures (73/1993).

60. The Committee welcomes the establishment of the Office of the Ombudsman for Children (Act No. 83/1994) and of the Human Rights Centre in 1994.

3. Principal subjects of concern and recommendations

61. While noting that the European Convention for the Protection of Human Rights and Fundamental Freedoms has been incorporated into Icelandic law, the Committee emphasizes that a number of articles of the Covenant, including articles 3, 4, 12, 22, 24, 25, 26 and 27, go beyond the provisions of the European Convention.

> The Committee therefore encourages the State party to ensure that all rights protected under the Covenant are given effect in Icelandic law. The Committee recommends that the remaining reservations to the Covenant be reconsidered with a view to their eventual withdrawal.

62. The Committee notes with concern the persistence of certain areas of inequality between men and women in Iceland, despite the efforts of the Government.

> The Committee recommends that the State party intensify its efforts to achieve full equality between men and women, including in the employment sector. It hopes that the "job evaluation" exercise undertaken under the Ministry of Social Affairs will contribute to eliminating discrimination in the workplace and to implementing fully the principle of equal wages for work of equal value.

63. The Committee asks that the next periodic report provide further information on measures taken to combat all forms of violence against women.

64. The Committee reiterates its concern over the persistence of discrimination in law and practice against children born out of wedlock, which is incompatible with articles 24 and 26 of the Covenant. It recommends that attention be paid to the prompt rectification of this situation with regard to all rights to which children are entitled.

65. The Committee requests the State party to ensure the publication and wide dissemination in Iceland of the State party's report as well as of the Committee's concluding observations.

66. The Committee fixes the date for the submission of Iceland's fourth periodic report at October 2003.

B. Belgium

67. The Committee considered the third periodic report of Belgium (CCPR/C/94/Add.3) at its 1706th and 1707th meetings (CCPR/C/SR.1706-1707), held on 22 October 1998, and adopted the following concluding observations at its 1720th meeting (CCPR/C/SR.1720), held on 2 November 1998.

1. Introduction

68. The Committee expresses its appreciation to the State party for its comprehensive report, as well as for its very useful core document (HRI/CORE/1/Add.1/Rev.1). It welcomes the open and self-critical approach taken by the State party in the preparation of the report, and notes the involvement and collaboration of many national institutions and universities. It observes, however, that while the report provides details on the legal order, it contains little information on actual practice. The Committee welcomes the additional data provided by the delegation from the capital and its readiness to provide written answers to pending questions.

2. Positive aspects

69. The Committee commends the establishment of institutions aimed at monitoring the observance of human rights by State authorities, including the Centre for Equality and Against Racism, and the committee to monitor the police services, with jurisdiction over all branches of the police force.

70. The Committee notes with satisfaction the establishment of the Council on Equal Opportunities for Men and Women. It notes that the participation of women in public affairs has increased since the previous report, but requests that more detailed information on women's participation in the work force be made available in the next periodic report.

71. The Committee welcomes the on-going measures to reform the judicial system undertaken by the State party, in particular those aimed at strengthening the independence of the judiciary through the establishment of a Supreme Judicial Council and a Council of Attorneys-General. The new law on the recruitment of judges and the increase in the number of judges constitute positive developments. Furthermore, penal procedures have been improved with regard to the gathering of information and investigations, and the handling of information by the police. The role of the police and of the investigating judge have been better defined. The Committee welcomes the abrogation of the Act of 11 July 1994 with a view to modernizing the criminal justice system and reducing the backlog in the courts of appeal.

72. The Committee takes note of new instructions relating to the methods and techniques under which deportations are carried out.

73. The Committee notes with satisfaction that children of illegal immigrants are entitled to education and medical care.

74. The Committee considers it a positive sign that unaccompanied minors seeking asylum are not sent back to their countries of origin, unless their safety is guaranteed.

75. With regard to the extradition of asylum seekers, the Committee welcomes the assurances by the delegation that extradition procedures are suspended until the asylum determination procedures are concluded.

76. The Committee welcomes the fact that Belgium has started the procedure for ratifying the Second Optional Protocol to the Covenant aiming at the abolition of the death penalty.

77. The Committee welcomes the establishment of an inter-ministerial committee with competence over trafficking in persons, prostitution and pornography, as well as the adoption of other legislative measures with extraterritorial application. It also welcomes the enactment of new laws aimed at combating more effectively the traffic in minors.

78. The Committee welcomes measures taken by the State party to improve prison conditions, in particular by introducing alternative forms of punishment and building new establishments to alleviate overcrowding.

3. Principal subjects of concern and recommendations

79. The Committee expresses its grave concern over the reports of widespread police brutality against suspects in custody. It regrets the lack of transparency in the conduct of investigations on the part of police authorities and the difficulty in obtaining access to this information.

80. The Committee is concerned about the behaviour of Belgian soldiers in Somalia under the aegis of the United Nations Operation in Somalia (UNOSOM II), and acknowledges that the State party has recognized the applicability of the Covenant in this respect and opened 270 files for purposes of investigation. The Committee regrets that it has not received further information on the results of the investigations and the adjudication of cases and requests the State party to submit this information.

81. Procedures used in the repatriation of some asylum seekers, in particular the placing of a cushion on the face of an individual in order to overcome resistance, entails a risk to life. The recent case of a Nigerian national who died in such a manner illustrates the need to re-examine the whole procedure of forcible deportations. The Committee would like to receive written information on the results of the investigations into this incident as well as of any criminal or disciplinary proceedings. It recommends that all security forces concerned in effecting deportations should receive special training.

82. The Committee regrets that Belgium has not withdrawn its reservations to the Covenant and urges the Government to reconsider its position in particular with regard to article 10. The Government's explanation that the reservation is necessary because there is a problem of overcrowding in prisons is not persuasive. In addition, alternative sentences, including to community service, should be encouraged in view of its rehabilitative function.

83. Community service and parole should be monitored and supervised in a more coherent way. The Committee encourages the Government to undertake an overall review of its sentencing policy and consequent training for the judiciary. The Committee is concerned that suspects do not at present have access to counsel

and to medical visits from the moment of arrest. The Committee is also concerned about the non-application of judicial guarantees in administrative tribunals and other non-judicial entities. Suspects should be promptly informed of their rights in a language they understand.

84. The Committee is concerned about the length of pre-trial detention and about the large number of detainees still awaiting trial. The Committee reminds the State party that pursuant to article 9, paragraph 3, of the Covenant, pre-trial detention should be considered exceptional and must be justifiable. It urges the State party to review its rules and practice for granting bail. The Committee notes furthermore that the period of five months' detention, which may be extended to eight months, to which asylum seekers may be subjected, may amount to arbitrary detention in violation of article 9 of the Covenant, unless the detention is subject to judicial review which secures the release of the person if there is no lawful purpose being served by the detention.

85. Bearing in mind that pursuant to article 10, paragraph 3, of the Covenant, the essential aim of incarceration should be the reformation and social rehabilitation of offenders, the Committee urges the State party to develop rehabilitation programmes both for the time during imprisonment and for the period after release, when ex-offenders must be reintegrated into society if they are not to become recidivists.

86. The Committee considers that the current jurisprudence of the Court of Cassation stating that no judicial guarantees apply to the pre-trial stage is inconsistent with the Covenant; consequently, these guarantees should be extended to the pre-trial stage.

87. The Committee expresses grave concern about the retention of article 53 of the Act of 8 April 1965 on the protection of young persons, which entitles the authorities to incarcerate minors for a period of 15 days. This practice raises questions not only under article 10 but under articles 7 and 24 as well. Furthermore, the practice of not separating minors from adult offenders in jail is not only incompatible with article 10, paragraph 3, but constitutes a violation of article 24 of the Covenant.

88. While noting that the State party is taking measures to do away with the practice of keeping psychiatric patients in prison psychiatric annexes for several months before transferring them to hospitals that treat mental disorders ("établissement de protection sociale"), the Committee points out that this practice is incompatible with articles 7 and 9 of the Covenant and that it should be discontinued.

89. The Committee expresses its concern about the distinction made in Belgian legislation between freedom of assembly and the right to demonstrate, which is excessively restricted. It recommends that such differentiation be abolished.

90. The Committee notes that the requirement of prior authorization for foreign channels on cable networks is not entirely in conformity with article 19. The right to freedom of broadcasting should first be recognized; restrictions may be imposed as provided for in paragraph 3 of article 19.

91. The Committee notes that the procedures for recognizing religions and the rules for public funding of recognized religions raise problems under articles 18, 26 and 27 of the Covenant.

92. The Committee is concerned that the report gives very little information on the de facto situation of women. The Committee requests that the next report provide precise information on the outcome of measures to promote equality and to combat violence against women.

93. The Committee remains concerned about the production, sale and distribution of paedo-pornography. It urges the State party to take effective measures to curtail the possession and distribution of these criminal materials.

94. The Committee is concerned that provisions relating to fake marriages and to the expulsion of aliens may give insufficient protection to the right to marry and family life as recognized in articles 17 and 23 of the Covenant.

95. The Committee requests the State party to ensure the publication and wide dissemination in Belgium of the State party's report as well as of the Committee's concluding observations.

96. The Committee has fixed the date for submission of Belgium's fourth periodic report at October 2002.

C. Armenia

97. The Committee considered the initial report of Armenia (CCPR/C/92/Add.2) at its 1710th and 1711th meetings (CCPR/C/SR.1710-1711), held on 26 October 1998, and adopted the following concluding observations at its 1721st and 1725th meetings (CCPR/C/SR.1721 and 1725), held on 2 and 4 November 1998.

1. Introduction

98. Although it notes the long delay in the submission of the report, the Committee welcomes the initial report of the State party, covering events that occurred from the country's independence, and the dialogue with the delegation on the implementation of the provisions of the Covenant. It appreciates the frankness with which the State party acknowledges the current problems, which are partly attributable to the fact that the country is in a period of transition, and its willingness to provide further information in writing.

2. Positive aspects

99. The Committee commends the State party for the process currently under way to bring its legislation fully into line with its international obligations. It welcomes the establishment of the Constitutional Commission to review the Constitution and the adoption of the law on the independence of the judiciary, the law on the Public Prosecutor's Office, the Criminal and Civil Codes, the law on civil and criminal procedure, the Labour Code, the Electoral Code, the law on citizenship and the laws on the rights of the child. It looks forward to receiving these new laws once they come into force.

100. The Committee notes with satisfaction the establishment of the Commission on Human Rights as an advisory body to the President of the Republic, with competence to review draft legislation affecting human rights and fundamental freedoms. It notes the setting up of a Human Rights Department within the Ministry of Foreign Affairs. The Committee further welcomes the proposal to establish the office of Ombudsmen with power to deal with individual complaints.

101. The Committee commends the State party for its expressed intention to abolish the death penalty by 1 January 1999, which will automatically affect all persons currently on death row.

102. The Committee welcomes the release of political prisoners in Armenia following the last presidential elections. In this connection, it notes with satisfaction that non-governmental organizations have been given the important role of visiting prisoners and making spot checks of prisons. In this connection, the Committee notes the role played by the Committee of Soldiers' Mothers in addressing complaints within military garrisons. In addition, the Committee notes the agreement with the International Committee of the Red Cross giving ICRC representatives access to detainees in Armenia.

3. Principal subjects of concern and recommendations

103. The Committee expresses its grave concern about the incompatibility of several provisions of the Constitution with the Covenant: for example, article 22 of the Constitution, which guarantees freedom of movement only to Armenian citizens, contravenes article 12 of the Covenant; articles 23, 44 and 45 of the Constitution, which allow derogation under a state of emergency and limitations to the freedom of thought and religion, contravene articles 4, paragraph 2, and 18 of the Covenant. The inconsistency of domestic law with provisions of the Covenant not only engenders legal insecurity, but is likely to lead to violations of rights protected under the Covenant.

104. The Committee notes that the independence of the judiciary is not fully guaranteed. In particular, it observes that the election of judges by popular vote for a fixed maximum term of six years does not ensure their independence and impartiality.

105. The Committee is concerned that pursuant to article 101 of the Constitution only representatives of the executive and legislative branches may have recourse to the Constitutional Court. The Committee recommends that the State party amend its Constitution so as to enable individuals, in appropriate circumstances, to bring questions concerning the human rights guaranteed in the Constitution, many of which are also protected in the Covenant, to the Constitutional Court.

106. The Committee takes note that the new Criminal Code provides for the abolition of the death penalty, and recommends that the death sentences of all persons currently on death row be immediately commuted. The Committee hopes that the State party will consider ratification of the Second Optional Protocol to the Convenant aiming at the abolition of the death penalty.

107. The Committee is concerned that all the grounds for pre-trial detention are not listed in the present law. While noting that the new Criminal Code

provides for a maximum period of three months' detention, the Committee is concerned that very few detainees benefit from bail, and urges the State party to observe strictly the requirements of article 9, paragraph 3, of the Covenant.

108. The Committee expresses its concern about allegations of torture and ill-treatment by law-enforcement officials. The Committee recommends the establishment of a special independent body to investigate complaints of torture and ill-treatment by law-enforcement personnel.

109. The Committee is concerned about the poor conditions prevailing in prisons. It reminds the State party that all persons deprived of their liberty must be treated with humanity and with respect for the inherent dignity of the human person, and recommends that the State party observe the Standard Minimum Rules for the Treatment of Prisoners.

110. The Committee observes that de facto discrimination against women persists as a matter of custom and stresses that this problem should be addressed in the light of Armenia's obligations under the Covenant.

111. The Committee is concerned about discrimination against women in employment and their under-representation in the conduct of public affairs. Furthermore, the Committee regrets the disproportionate level of unemployment among women, which has been explained by the delegation as being due to economic hardship.

112. The lack of data on cases of domestic violence should not be interpreted to mean that no such incidents occur. The Committee therefore recommends that specific protective and punitive measures be taken with respect to all forms of violence against women, including rape. The Committee urges the State party to compile relevant data for submission in the next periodic report.

113. The Committee is concerned as to the existence of the phenomenon of street children in Armenia. The State party must urgently address this issue under article 24 of the Covenant.

114. The Committee regrets the lack of legal provision for alternatives to military service in case of conscientious objection. The Committee deplores the conscription of conscientious objectors by force and their punishment by military courts, and the instances of reprisals against their family members.

115. The Committee is concerned that registration of religions is required and that the number of followers required for registration has been increased. The Committee also notes that non-recognized religions are discriminated against in their entitlement to own private property and to receive foreign funds.

116. The Committee is concerned about the compatibility of the 1991 Press Law with freedom of expression under article 19 of the Covenant, in particular that the notion of "State secrets" and of "untrue and unverified information" (article 6 of the Press Law) are unreasonable restrictions on freedom of expression. Furthermore, the Committee is concerned about the extent of the Government's monopoly in respect of the printing and distribution of newspapers.

117. The Committee expresses its concern about the strict governmental control over the electronic media, which may raise issues under article 19, and which results in serious limitations to the exercise of the rights guaranteed in article 25, in particular with regard to elections.

118. The Committee expresses its concern about the State party's position that it is not possible to ensure that small national minorities have access to educational facilities in their language of origin. The Committee recommends that measures be taken in conformity with article 27 of the Covenant.

119. The Committee commends the State party for its efforts in disseminating information on human rights, including human rights education in school curricula. In particular, the Committee observes that human rights training of the legal profession and of the judiciary is necessary for democracy. Therefore, the Committee recommends that such training be provided. The Committee urges the State party to disseminate widely its initial report and the Committee's concluding observations.

120. The Committee has fixed the date for submission of Armenia's second periodic report at October 2001.

D. Libyan Arab Jamahiriya

121. The Committee considered the third periodic report of the Libyan Arab Jamahiriya (CCPR/C/102/Add.1) at its 1712th and 1713th meetings (CCPR/C/SR.1712-1713), held on 27 October 1998, and adopted the following concluding observations at its 1720th meeting (CCPR/C/SR.1720), held on 2 November 1998.

1. Introduction

122. The Committee welcomes the timely report submitted by the Government of the Libyan Arab Jamahiriya and the willingness of the State party to have a continued dialogue with the Committee. The Committee notes with regret that the report, while providing information on legal norms and enactments governing the obligations set out in the Covenant, lacks information on the implementation of the Covenant in practice. The Committee notes that the third periodic report of the State party does not address the concerns expressed by the Committee in its concluding observations on the second report of the Libyan Arab Jamahiriya and does not provide the data requested on that occasion. It notes, however, the State party's undertaking to submit additional written information in response to the Committee's questions which remained unanswered so far.

2. Factors and difficulties

123. The Committee notes that the embargo on air travel, imposed by the Security Council on the Libyan Arab Jamahiriya since April 1992, is considered by the Libyan Government as creating economic difficulties and affecting the implementation of certain provisions of the Covenant.

3. Positive aspects

124. The Committee welcomes the principle of direct applicability of the Covenant and the possibility of invoking it directly before the courts.

125. The Committee welcomes the concrete efforts made by the State party to enact legislation reducing inequalities between men and women in the field of personal status. The Committee also welcomes the measures taken to improve the situation of women in public life and civil society, particularly in the workplace and in access to education.

4. Principal subjects of concern and recommendations

126. The Committee is concerned by the lack of clarity about the legal status of the Covenant, in particular about the hierarchy between the Covenant, the Great Green Document on Human Rights and the Constitutional Proclamation. Neither in examining the report of the State party nor during the dialogue with the delegation could the Committee gain a clear understanding of how conflicts between the Covenant and domestic law are solved or of the role of the Supreme Court in this respect.

127. The Committee is deeply troubled by the allegations, from various reliable sources, of extrajudicial, arbitrary or summary executions perpetrated by State agents as well as of a high incidence of arbitrary arrest and detention, including long detention without trial. The Committee expresses its regret at the lack of transparency on the part of the State party in responding to these concerns. The Committee recommends that all such allegations be fully, publicly and impartially investigated, that the results of such investigations be published, that the perpetrators of those acts be brought to justice and that the victims and their families be duly compensated. The Committee urges the State party to include in its next report information, including names and statistics, about disappeared persons, cases of extrajudicial, arbitrary or summary executions, and about persons kept under detention without charge, in situations of indefinite detention without trial or following acquittal by a court.

128. The Committee is particularly concerned about the excessively vague wording of article 4 of the Promotion of Freedom Act, which stipulates that the death penalty may be imposed "on a person whose life endangers or corrupts society" and similar wording in the Great Green Document, thus leading to the imposition in the State party of the death penalty for offences which cannot be characterized as the most serious, including political and economic offences, in violation of article 6, paragraph 2, of the Covenant. Furthermore, the Committee deplores that retribution is legally accepted as a ground for the imposition of the death penalty. In its next report, the State party is asked to furnish information on the number of executions which have taken place in the last 10 years, the type of offence for which the death penalty has been imposed, and the manner in which the execution has been carried out. The Committee recommends that urgent steps be taken to reduce the number and type of crimes entailing capital punishment and to repeal all provisions incompatible with article 6 of the Covenant.

129. The Committee is concerned at the high rate of maternal mortality and requests the State party to provide information in its next report on measures taken to reduce it.

130. The Committee is deeply concerned over persistent allegations of systematic use of torture and cruel, inhuman or degrading treatment or punishment. The Committee takes positive note of the data offered by the delegation about investigations carried out in some cases and of punishment of those responsible for such acts, as well as of the indemnity given to victims. The Committee recommends that the State party enforce a more efficient system for monitoring treatment of all detainees, so as to ensure that their rights under articles 7 and 10 of the Covenant are fully protected. It urges the State party to ensure that all cases of alleged torture or ill-treatment are investigated by an impartial body, that the results of such investigations be published and that officials responsible for torture and ill-treatment be prosecuted and, if convicted, severely punished. The State party is asked to include in its next report information on steps taken in this respect as well as on prison conditions. The Committee also recommends that training courses on human rights be conducted for law enforcement personnel.

131. Furthermore, the Committee recalls that flogging, which is recognized in the Libyan Arab Jamahiriya as a penalty for criminal offences, is incompatible with article 7 of the Covenant. The imposition of such punishment should cease immediately and all laws and regulations providing for its imposition should be repealed without delay. Amputation, although not used in practice, according to the delegation, should be formally abolished.

132. The Committee stresses with deep concern that the law enacted in 1997 known as the "Charter of Honour", which authorizes collective punishment for those found guilty of collective crimes (including "obstructing the people's authority [and] damaging public and private institutions"), violates several articles of the Covenant, including articles 7, 9 and 16. It recommends that the application of this law be suspended without delay and that steps be taken to repeal it.

133. The Committee reiterates its concern about the excessive duration of remand in custody and undue prolongation of pre-trial detention and urges that all necessary measures be taken to reduce the length of such detention and to improve judicial oversight.

134. The Committee considers that serious doubts arise as to the independence of the judiciary and the liberty of advocates to exercise their profession freely, without being in the employment of the State, and to provide legal aid services. The Committee recommends that measures be taken to ensure full compliance with article 14 of the Covenant as well as with the United Nations Basic Principles on the Independence of the Judiciary and the Basic Principles on the Role of Lawyers. Training in human rights law should be given to all judges and members of the legal profession. In its next report, the State party is requested to provide detailed information on the jurisdiction, composition and activities of the Revolutionary Security Courts, as well as on the organization of the legal profession.

135. The Committee expresses its deep concern about the numerous restrictions, in law and in practice, on the right to freedom of expression, and in particular on the right to express opposition to or criticism of the Government, of the established political, social and economic system and of the cultural values prevailing in the Libyan Arab Jamahiriya. The Committee urges the State party to undertake a truly critical analysis of restrictions to articles 18, 19, 21, 22 and 25 and their effect in practice, with a view to fulfilling its obligations under those articles. More specifically, the Committee stresses that article 25 provides for genuine elections with secret ballot and that the State party must comply with this requirement. It recommends that the application of provisions of the Publication Act (1972) which are incompatible with article 19, of the Covenant, should be immediately suspended and that steps should be taken for its revision.

136. Notwithstanding the statement contained in the State party's report and reiterated by the delegation that "all Libyans are Muslims by birth and heredity", the Committee stresses that it is incumbent on the State party to ensure that all individuals subject to its jurisdiction enjoy their right to freedom of thought, conscience and religion under article 18 of the Covenant.

137. The Committee notes with concern that, in spite of the Government's efforts, inequality between men and women persists in a number of areas, such as inheritance, freedom of movement, acquisition and transmission of nationality and divorce. It was also concerned to receive from the delegation information that polygamy may still be practised under certain conditions. The Committee regrets that the law still does not provide adequate protection to women in respect of domestic violence and rape. While recognizing the progress achieved as far as equality in the workplace is concerned, the Committee emphasizes that much remains to be done to reach full equality, including equal wages. The Committee recommends that the State party intensify its efforts to guarantee full equal enjoyment by men and women of all their human rights.

138. The Committee expresses its concern over the persistence of discrimination in law and practice against children born out of wedlock, which is incompatible with articles 24 and 26 of the Covenant. It recommends that attention be paid to the prompt rectification of this situation with regard to all rights to which children are entitled.

139. The Committee takes note with concern of the statement contained in the State party's report and reiterated by the delegation that there are no ethnic, religious or cultural minorities in the Libyan Arab Jamahiriya. It draws the attention of the State party to its General Comment No. 23 (50), which lays down various objective elements for establishing the existence of minorities in a State party. The Committee regrets the lack of information on the protection of persons belonging to those minorities and requests that specific information on minorities be included in the State party's next report.

140. The Committee observes that although the Libyan Arab Jamahiriya became a party to the Optional Protocol in 1989, only two communications and three contact letters have been addressed to the Committee. This may suggest that the people living in the State party are not aware of their right to use this

mechanism. The Committee urges the State party to take urgent steps to disseminate the Covenant and the Optional Protocol to the public at large, to persons in detention and to the legal community.

141. Noting with regret that no information was submitted by Libyan non-governmental organizations on the Government's report, the Committee regrets that it did not receive satisfactory information on the existence and functioning of non-governmental human rights organizations in the Libyan Arab Jamahiriya. Urgent steps should be taken by the State party to allow the free operation of independent non-governmental human rights organizations.

142. The Committee fixes the date for the submission of the Libyan Arab Jamahiriya's fourth periodic report at October 2002. It recommends that the next report contain material which addresses all concerns and recommendations expressed in the present concluding observations. The Committee further recommends that the text of the State party's third periodic report and the present concluding observations be published and widely disseminated among the public in all parts of the Libyan Arab Jamahiriya.

E. Japan

143. The Committee considered the fourth periodic report of Japan (CCPR/C/115/Add.3 and Corr.1) at its 1714th to 1717th meetings (CCPR/SR.1714-1717) held on 28 and 29 October 1998 and adopted the following concluding observations at its 1726th and 1727th meetings (CCPR/C/SR.1726-1727) held on 5 November 1998.

1. Introduction

144. The Committee expresses its appreciation for the frank and forthright replies given by the delegation to the issues raised by the Committee and the clarifications and explanations given in answer to the oral questions put by the members of the Committee. The Committee is also appreciative of the presence of the large delegation representing various branches of the Government, which demonstrates the seriousness of the State party in meeting its obligations under the Covenant. The Committee also commends the State party for having given wide publicity to its report and to the work of the Committee. It welcomes the large number of lawyers and non-governmental organizations present during the discussion of the report.

2. Positive aspects

145. The Committee commends the Government for the ongoing process of bringing its legislation into line with the provisions of the Covenant. It welcomes the enactment of the Law on the Promotion of Measures for Human Rights Protection, as well as amendments to other laws such as the Equal Employment Opportunities Law, the Standard Labour Law, the Immigration Control and Refugee Recognition Act, the Penal Code, the Child Welfare Law, the Election Law and the Entertainment Business Law, and the draft bill aimed at punishing Japanese nationals involved in child prostitution and child pornography.

146. The Committee notes with satisfaction the establishment, at Cabinet level, of the Council for the Promotion of Gender Equality, aimed at

investigating and developing policies for the achievement of a gender-equal society and its adoption of the Plan for Gender Equality 2000. The Committee also notes the measures being taken by the human rights organs of the Ministry of Justice to deal with the elimination of discrimination and prejudice against students at Korean schools in Japan, children born out of wedlock and children of the Ainu minority.

147. The Committee welcomes the abolition of restrictions on women's eligibility to take the national public service examination, the abolition of discriminatory compulsory retirement, and of dismissals on grounds of marriage, pregnancy or childbirth.

3. Principal subjects of concern and recommendations

148. The Committee regrets that its recommendations issued after the consideration of the third periodic report have largely not been implemented.

149. The Committee stresses that protection of human rights and human rights standards are not determined by popularity polls. It is concerned by the repeated use of popularity statistics to justify attitudes of the State party that may violate its obligations under the Covenant.

150. The Committee reiterates its concern about the restrictions which can be placed on the rights guaranteed in the Covenant on the grounds of "public welfare", a concept which is vague and open-ended and which may permit restrictions exceeding those permissible under the Covenant. Following upon its previous observations, the Committee once again strongly recommends to the State party to bring its internal law into conformity with the Covenant.

151. The Committee is concerned about the lack of institutional mechanisms available for investigating violations of human rights and for providing redress to the complainants. Effective institutional mechanisms are required to ensure that the authorities do not abuse their power and that they respect the rights of individuals in practice. The Committee is of the view that the Civil Liberties Commission is not such a mechanism, since it is supervised by the Ministry of Justice and its powers are strictly limited to issuing recommendations. The Committee strongly recommends to the State Party to set up an independent mechanism for investigating complaints of violations of human rights.

152. More particularly, the Committee is concerned that there is no independent authority to which complaints of ill-treatment by the police and immigration officials can be addressed for investigation and redress. The Committee recommends that such an independent body or authority be set up by the State party without delay.

153. The Committee is concerned about the vagueness of the concept of "reasonable discrimination" which, in the absence of objective criteria, is incompatible with article 26 of the Covenant. The Committee finds that the arguments advanced by the State party in support of this concept are the same as had been advanced during the consideration of the third periodic report and which the Committee found to be unacceptable.

154. The Committee continues to be concerned about discrimination against children born out of wedlock, particularly with regard to the issues of nationality, family registers and inheritance rights. It reaffirms its position that pursuant to article 26 of the Covenant, all children are entitled to equal protection, and recommends that the State party take the necessary measures to amend its legislation, including article 900, paragraph 4, of the Civil Code.

155. The Committee is concerned about instances of discrimination against members of the Japanese-Korean minority who are not Japanese citizens, including the non-recognition of Korean schools. The Committee draws the attention of the State party to general comment No. 23 (1994) which stresses that protection under Article 27 may not be restricted to citizens.

156. The Committee is concerned about the discrimination against members of the Ainu indigenous minority in regard to language and higher education, as well as about non-recognition of their land rights.

157. With regard to the Dowa problem, the Committee acknowledges the acceptance by the State party of the fact that discrimination persists vis-à-vis members of the Buraku minority with regard to education, income and the system of effective remedies. The Committee recommends that the State party take measures to put an end to such discrimination.

158. The Committee is concerned that there still remain in the domestic legal order of the State party discriminatory laws against women, such as the prohibition on women remarrying within six months following the date of the dissolution or annulment of their marriage and the different age of marriage for men and women. The Committee recalls that all legal provisions that discriminate against women are incompatible with articles 2, 3 and 26 of the Covenant and should be repealed.

159. The Committee reiterates the comment made in its concluding observations at the end of the consideration of Japan's third periodic report that the Alien Registration Law, which makes it a penal offence for alien permanent residents not to carry certificates of registration at all times and imposes criminal sanctions for failure to do so is incompatible with article 26 of the Covenant. It recommends once again that such discriminatory laws be abolished.

160. Article 26 of the Immigration Control and Refugee Recognition Act provides that only those foreigners who leave the country with a permit to re-enter are allowed to return to Japan without losing their residents status and that the granting of such permits is entirely within the discretion of the Minister of Justice. Under this law, foreigners who are second- or third-generation permanent residents in Japan and whose life activities are based in Japan may be deprived of their right to leave and re-enter the country. The Committee is of the view that this provision is incompatible with article 12, paragraphs 2 and 4, of the Covenant. The Committee reminds the State party that the words "one's own country" are not synonymous with "country of one's own nationality". The Committee therefore strongly urges the State party to remove from the law the provision requiring a permit to re-enter to be obtained prior to departure, in respect of permanent residents like persons of Korean origin born in Japan.

161. The Committee is concerned about allegations of violence and sexual harassment of persons detained pending immigration procedures, including harsh conditions of detention, the use of handcuffs and detention in isolation rooms. Persons held in immigration detention centres may remain there for periods of up to six months and, in some cases, even up to two years. The Committee recommends that the State party review the conditions of detention and, if necessary, take measures to bring the situation into compliance with articles 7 and 9 of the Covenant.

162. The Committee is gravely concerned that the number of crimes punishable by the death penalty has not been reduced, contrary to what was indicated by the delegation at the consideration of Japan's third periodic report. The Committee recalls once again that the terms of the Covenant tend towards the abolition of the death penalty and that those States which have not already abolished the death penalty are bound to apply it only for the most serious crimes. The Committee recommends that Japan take measures towards the abolition of the death penalty and that, in the meantime, that penalty should be limited to the most serious crimes, in accordance with article 6, paragraph 2, of the Covenant.

163. The Committee remains seriously concerned at the conditions under which persons are held on death row. In particular, the Committee finds that the undue restrictions on visits and correspondence and the failure to notify the family and lawyers of the prisoners on death row of their execution are incompatible with the Covenant. The Committee recommends that the conditions of detention on death row be made humane in accordance with articles 7 and 10, paragraph 1, of the Covenant.

164. The Committee is deeply concerned that the guarantees contained in articles 9, 10 and 14 are not fully complied with in pre-trial detention in that pre-trial detention may continue for as long as 23 days under police control and is not promptly and effectively brought under judicial control; the suspect is not entitled to bail during the 23-day period; there are no rules regulating the time and length of interrogation; there is no State-appointed counsel to advise and assist the suspect in custody; there are serious restrictions on access to defence counsel under article 39 (3) of the Code of Criminal Procedure; and the interrogation does not take place in the presence of the counsel engaged by the suspect. The Committee strongly recommends that the pre-trial detention system in Japan should be reformed with immediate effect to bring it into conformity with articles 9, 10 and 14 of the Covenant.

165. The Committee is concerned that the substitute prison system (Daiyo Kangoku), although under the authority of a branch of the police which does not deal with investigation, is not under the control of a separate authority. This may increase the chances of abuse of the rights of detainees under articles 9 and 14 of the Covenant. The Committee reiterates its recommendation, made after consideration of the third periodic report, that the substitute prison system should be made compatible with all requirements of the Covenant.

166. The Committee is concerned that rule 4 of the Habeas Corpus Rules under the Habeas Corpus Law limits the grounds for obtaining a writ of habeas corpus to (a) the absence of a legal right to place a person in custody and (b) manifest violation of due process. It also requires exhaustion of all other remedies.

The Committee is of the view that rule 4 impairs the effectiveness of the remedy for challenging the legality of detention and is therefore incompatible with article 9 of the Covenant. The Committee recommends that the State party repeal rule 4 and make the remedy of habeas corpus fully effective without any limitation or restriction.

167. The Committee is deeply concerned about the fact that a large number of the convictions in criminal trials are based on confessions. In order to exclude the possibility that confessions are extracted under duress, the Committee strongly recommends that the interrogation of the suspect in police custody or substitute prisons be strictly monitored, and recorded by electronic means.

168. The Committee is concerned that under the criminal law, there is no obligation on the prosecution to disclose evidence it may have gathered in the course of the investigation other than that which it intends to produce at the trial, and that the defence has no general right to ask for the disclosure of that material at any stage of the proceedings. The Committee recommends that, in accordance with the guarantees provided for in article 14, paragraph 3, of the Covenant, the State party ensure that its law and practice enable the defence to have access to all relevant material so as not to hamper the right of defence.

169. The Committee is deeply concerned at many aspects of the prison system in Japan, which raise serious questions of compliance with articles 2, paragraph 3 (a), 7 and 10 of the Covenant. Specifically, the Committee is concerned at the following:

(a) Harsh rules of conduct in prisons that restrict the fundamental rights of prisoners, including freedom of speech, freedom of association and privacy;

(b) Use of harsh punitive measures, including frequent resort to solitary confinement;

(c) Lack of fair and open procedures for deciding on disciplinary measures against prisoners accused of breaking the rules;

(d) Inadequate protection for prisoners who complain of reprisals by prison warders;

(e) Lack of a credible system for investigating complaints by prisoners; and

(f) Frequent use of protective measures, such as leather handcuffs, that may constitute cruel and inhuman treatment.

170. The Committee is concerned that the Central Labour Relations Commission refuses to hear an application of unfair labour practices if the workers wear armbands indicating their affiliation to a trade union. Such an action contravenes articles 19 and 22 of the Covenant. The Committee's view should be brought to the attention of the Central Labour Relations Commission.

171. Despite the amendment to the Business Entertainment Law, traffic in women and insufficient protection for women subject to trafficking and slavery-like practices remain serious concerns under article 8 of the Covenant. In light of information given by the State party on planned new legislation against child prostitution and child pornography, the Committee is concerned that such measures may not protect children under the age of 18 when the age limit for sexual consent is as low as 13. The Committee is also concerned about the absence of specific legal provisions prohibiting the bringing of foreign children to Japan for the purpose of prostitution, despite the fact that abduction and sexual exploitation of children are subject to penal sanctions. The Committee recommends that the situation be made to comply with the State party's obligations under articles 9, 17 and 24 of the Covenant.

172. The Committee continues to be gravely concerned about the high incidence of violence against women, in particular domestic violence and rape, and the absence of any measures to eradicate this practice. The Committee is troubled that the courts in Japan seem to consider domestic violence, including forced sexual intercourse, as a normal incident of married life.

173. The Committee, while acknowledging the abolition of forced sterilization of disabled women, regrets that the law has not provided for a right of compensation to persons who were subjected to forced sterilization, and recommends that the necessary legal steps be taken in this regard.

174. The Committee is concerned that there is no provision for the training of judges, prosecutors and administrative officers in human rights under the Covenant. The Committee strongly recommends that such training be made available. Judicial colloquiums and seminars should be held to familiarize judges with the provisions of the Covenant. The Committee's general comments and the Views expressed by the Committee on communications under the Optional Protocol should be supplied to the judges.

175. The Committee urges the Government to take action on the basis of these concluding observations and to consider them in the preparation of the fifth periodic report. It also recommends that the State party continue reviewing its laws, and making appropriate amendments, so as to bring its legislation into full conformity with the Covenant. The Committee recommends that the State party take measures to provide remedies to victims of violations of human rights and, in particular, that it ratify the Optional Protocol to the Covenant.

176. The Committee expects that in implementing the concluding observations the State party will engage in a dialogue with all domestic interested parties, including non-governmental organizations. The Committee urges the State party to ensure the wide dissemination of its report and of the present concluding observations.

177. The Committee has fixed the date of submission of Japan's fifth periodic report at October 2002.

F. Austria

178. The Committee considered the third periodic report of Austria (CCPR/C/83/Add.3) at its 1718th and 1719th meetings (CCPR/C/SR.1718-1719), held on 30 October 1998, and adopted the following concluding observations at its 1726th meeting (CCPR/C/SR.1726), held on 5 November 1998.

1. Introduction

179. The Committee welcomes the detailed report submitted by the State party and expresses its appreciation for the clear, updated information provided orally by the delegation. While noting the high quality of the report of the State party, the Committee notes the considerable delay in its submission; the report would have been improved by the inclusion of quantitative and practical data, although the delegation provided such additional information.

2. Positive factors

180. The Committee welcomes the ratification by Austria of the Second Optional Protocol to the Covenant with effect from 2 June 1998.

181. The Committee welcomes the withdrawal by Austria of some of its reservations to the Covenant; it would have been appreciated if the reasons for these withdrawals and the precise nature of their effect, as well as the reasons for the maintenance of the remaining reservations, had been more clearly explained.

182. The Committee welcomes the recent constitutional and legislative changes aimed at improved protection against discrimination; legislation to promote the rights and prospects of disabled persons is also welcomed. The admission of women to the armed forces and their advancement in the Civil Service is appreciated.

183. The Committee also welcomes the end to the monopoly on radio broadcasting and the establishment of private radio stations in Austria.

3. Principal subjects of concern and recommendations

184. While noting that the European Convention for the Protection of Human Rights and Fundamental Freedoms has been incorporated into the Austrian Constitution, the Committee emphasizes that a number of articles of the Covenant exceed the scope of the provisions of the European Convention. The Committee, therefore, recommends that the State party ensure that all rights protected under the Covenant are given effect in Austrian law.

185. The Committee is concerned at the State party's clear intention not to adopt appropriate procedures for taking into account the Committee's Views under the Optional Protocol in accordance with its obligations under article 2 of the Covenant.

186. The Committee is concerned that there is no provision in the Code of Criminal Procedure whereby a statement by way of confession must, if challenged,

be proved not to have been extracted by means of torture or ill-treatment. The Committee recommends that steps be taken to amend the Code of Criminal Procedure in this regard.

187. The Committee notes with concern that the presence of a lawyer to advise a detained person is not authorized at the preliminary stage of judicial criminal investigation (prior to the person's appearance before a judge). It recommends that the Code of Criminal Procedure be revised so as to guarantee more fully the right of a suspect to be assisted by a lawyer at all stages of the proceedings. Further, while commending the efforts undertaken by the State party to prevent, investigate and punish acts of ill-treatment of suspects and detainees, the Committee regrets that audio recording of interrogations of detainees is not yet used systematically. The Committee recommends that audio recording of interrogations be implemented in all Länder.

188. The Committee is concerned about certain features of Austrian law and procedure concerning asylum seekers and immigrants. These concerns relate to (a) apparently insufficient legal guarantees to prevent deportation in cases where there is a risk of treatment that would violate article 7; (b) the treatment of persons against whom there is a deportation decision but who remain in the country, raising issues under articles 7, 10 and 16; and (c) sanctions against passenger carriers and other pre-frontier arrangements that may affect the rights of any person to leave any country, including his or her own (art. 12, para. 2, of the Covenant).

189. The Committee considers that, despite recent reforms, the nature and functions of the autonomous administrative tribunals continue to raise questions in connection with the requirements of "due process" under article 14 of the Covenant. It encourages the State party fully to implement the principle of independence of all courts and tribunals.

190. The Committee considers that existing legislation on the minimum age of consent for sexual relations in respect of male homosexuals is discriminatory on the grounds of sex and sexual orientation. It requests that the law be revised to remove such discriminatory provisions.

191. The Committee notes with concern that the State party appears to restrict the definition of minorities to certain legally recognized groups. It requests that specific information on all ethnic, religious or linguistic minorities be included in Austria's next periodic report, in the light of the Committee's general comment No. 23 (50).

192. The Committee is concerned that legal provisions in Austria relating to the recognition of religions and the benefits accorded to recognized religions may result in discrimination contrary to articles 18 and 26 of the Covenant.

193. The Committee would appreciate information in the next periodic report about the application and effect of article 283 of the Criminal Code, concerning propaganda and incitement to war and to national, racial or religious hatred.

194. The Committee requests that in its next periodic report the State party provide further information about measures being implemented to counter all forms of violence against women.

195. The Committee requests that the State party address the Committee's concerns and recommendations in detail in its next periodic report.

196. The Committee sets the date for the submission of Austria's fourth periodic report at October 2002. It requests that the text of the State party's third periodic report and the present concluding observations be published and widely disseminated within Austria and that the next periodic report be disseminated among non-governmental organizations operating in Austria.

G. Chile

197. The Committee considered the fourth periodic report of Chile (CCPR/C/95/Add.11) at its 1733rd and 1734th meetings (CCPR/C/SR.1733-1734), held on 24 March 1999, and adopted the following concluding observations at its 1740th meeting (CCPR/C/SR.1740), held on 30 March 1999.

1. Introduction

198. The Committee welcomes the State party's comprehensive fourth periodic report, covering the important changes that have taken place in the country since 1990. The Committee takes note of the useful information contained in the report concerning draft legislative proposals. However, it regrets the lateness of the submission of the report and of the core document.

199. It appreciates the additional information provided by the delegation in its dialogue with the Committee.

2. Positive aspects

200. The Committee welcomes the progress made since considering the State party's third periodic report in re-establishing democracy in Chile after the military dictatorship, as well as the initiatives for reform of legislation that is incompatible with the State party's obligations under the Covenant.

201. The establishment of the National Women's Service (SERNAM) and of the National Commission for the Family and the adoption of the Domestic Violence Act, the National Committee on the Eradication of Child Labour and the Judicial Academy are all positive developments.

3. Factors and difficulties affecting implementation of the Covenant

202. The constitutional arrangements made as part of the political agreement that facilitated the transition from the military dictatorship to democracy hinder full implementation of the Covenant by the State party. While appreciating the political background and dimensions of these arrangements, the Committee stresses that internal political constraints cannot serve as a justification for non-compliance by the State party with its international obligations under the Covenant.

4. Principal areas of concern and recommendations

203. The Amnesty Decree Law, under which persons who committed offences between 11 September 1973 and 10 March 1978 are granted amnesty, prevents the

State party from complying with its obligation under article 2, paragraph 3, to ensure an effective remedy to anyone whose rights and freedoms under the Covenant have been violated. The Committee reiterates the view, expressed in its general comment No. 20, that amnesty laws covering human rights violations are generally incompatible with the duty of the State party to investigate human rights violations, to guarantee freedom from such violations within its jurisdiction and to ensure that similar violations do not occur in the future.

204. The Committee is deeply concerned by the enclaves of power retained by members of the former military regime. The powers accorded to the Senate to block initiatives adopted by the Congress and the powers exercised by the National Security Council, which exists alongside the Government, are incompatible with article 25 of the Covenant. The composition of the Senate also impedes legal reforms that would enable the State party to comply more fully with its Covenant obligations.

205. The wide jurisdiction of the military courts to deal with all the cases involving prosecution of military personnel and their power to conclude cases that began in the civilian courts contribute to the impunity which such personnel enjoy from punishment for serious human rights violations. Furthermore, that Chilean military courts continue to have the power to try civilians violates article 14 of the Covenant. Therefore:

> The Committee recommends that the law be amended so as to restrict the jurisdiction of the military courts to trials only of military personnel charged with offences of an exclusively military nature.

206. The Committee is deeply concerned at persistent complaints of torture and excessive use of force by police and other security personnel, some of which were confirmed in the State party's report, as well as at the lack of independent mechanisms to investigate such complaints. The sole possibility of resort to court action cannot serve as a substitute for such mechanisms. Therefore:

> The Committee recommends that the State party establish an independent body with authority to receive and investigate all complaints of excessive use of force and other abuses of power by the police and other security forces.

207. While the Committee welcomes the reform of the Criminal Procedure Code, it is deeply concerned that many of the provisions, some of which will strengthen compliance with the fair trial guarantees provided under article 14 of the Covenant, will not come into force for a long period of time. Therefore:

> The State party should consider shortening the period before the new Criminal Procedure Code comes into force in all parts of the country.

208. The law and practice of pre-trial detention, under which large numbers of persons accused of offences are held in preventive detention pending completion of the criminal process, raises issues of compliance with articles 9, paragraph 3, and 14, paragraph 2, of the Covenant. In this regard:

The Committee recommends that the law be amended immediately so as to ensure that pre-trial detention will be the exception and not the rule, and will be used only when necessary to protect compelling interests, such as public safety and ensuring the appearance of the accused at their trials.

209. The power to hold detainees incommunicado, while limited by recent legislative reforms, remains a matter of serious concern. Therefore:

The State party should reconsider its law on this issue with a view to eliminating incommunicado detention altogether.

210. The Committee is concerned by the conditions in Chilean prisons and places of detention and by reports of discrimination between inmates. Therefore:

The Committee recommends the establishment of institutionalized mechanisms for monitoring conditions in prisons, so as to ensure compliance with article 10 of the Covenant, and for investigating complaints by inmates.

211. The criminalization of all abortions, without exception, raises serious issues, especially in the light of unrefuted reports that many women undergo illegal abortions which pose a threat to their lives. The legal duty imposed upon health personnel to report cases of women who have undergone abortions may inhibit women from seeking medical treatment, thereby endangering their lives. The State party has a duty to take measures to ensure the right to life of all persons, including pregnant women whose pregnancies are terminated. In this regard:

The Committee recommends that the law be amended so as to introduce exceptions to the general prohibition of all abortions and to protect the confidentiality of medical information.

212. The Committee is seriously concerned by the existing legal provisions that discriminate against women in marriage. Legal reforms under which married couples may opt out of discriminatory provisions, such as the provisions regarding control over property and authority over children, do not abolish the discrimination in the primary legal arrangements, which may only be changed with the consent of the husband. Therefore:

All legal provisions that discriminate between men and women in marriage must be abolished.

213. The absence of divorce under Chilean law may amount to a violation of article 23, paragraph 2, of the Covenant, according to which men and women of marriageable age have the right to marry and found a family. It leaves married women permanently subject to discriminatory property laws, as mentioned in paragraph 16 above, even when a marriage has broken down irretrievably.

214. The Committee is concerned that there are a large number of instances of sexual harassment in the workplace. Therefore:

The Committee recommends that a law be enacted making sexual harassment in the workplace an offence punishable by law.

215. The Committee is concerned that the participation of women in political life, public service and the judiciary is quite inadequate. Therefore:

The Committee recommends that steps be taken by the State party to improve the participation of women, if necessary by adopting affirmative action programmes.

216. The continuation in force of legislation that criminalizes homosexual relations between consenting adults involves violation of the right to privacy protected under article 17 of the Covenant and may reinforce attitudes of discrimination between persons on the basis of sexual orientation. Therefore:

The law should be amended so as to abolish the crime of sodomy between adults.

217. The minimum age for marriage, 12 years for girls and 14 years for boys, raises issues of compliance by the State party with its duty under article 24, paragraph 1, to offer protection to minors. Furthermore, marriage at such a young age would generally mean that the persons involved do not have the mental maturity to ensure that the marriage is entered into with free and full consent, as required under article 23, paragraph 3, of the Covenant. Therefore:

The State party should amend the law so as to introduce a uniform minimum age for marriage of males and females, which will ensure the maturity required in order for the marriage to comply with the requirements of article 23, paragraph 3, of the Covenant.

218. The Committee takes note of the various legislative and administrative measures taken to respect and ensure the rights of persons belonging to indigenous communities in Chile to enjoy their own culture. Nevertheless, the Committee is concerned that hydroelectric and other development projects might affect the way of life and the rights of persons belonging to the Mapuche and other indigenous communities. Relocation and compensation may not be appropriate in order to comply with article 27 of the Covenant. Therefore:

When planning actions that affect members of indigenous communities, the State party must pay primary attention to the sustainability of the indigenous culture and way of life and to the participation of members of indigenous communities in decisions that affect them.

219. The Committee is concerned at the lack of comprehensive legislation that would prohibit discrimination in the public and private spheres, such as employment and housing. Under article 2, paragraph 3, and article 26 of the Covenant, the State party is under a duty to protect persons against such discrimination. Therefore:

Legislation should be enacted to prohibit discrimination and provide an effective remedy to those whose right not to be discriminated against is

violated. The Committee also recommends the establishment of a national defender of human rights or other effective agency to monitor the implementation of anti-discrimination legislation.

220. The special status granted in public law to the Roman Catholic and Orthodox Churches involves discrimination between persons on account of their religion and may impede freedom of religion. Therefore:

The State party should amend the law so as to give equal status to all religious communities that exist in Chile.

221. The general prohibition imposed on the right of civil servants to organize a trade union and bargain collectively, as well as their right to strike, raises serious concerns under article 22 of the Covenant. Therefore:

The State party should review the relevant provisions of laws and decrees in order to guarantee to civil servants the rights to join a trade union and to bargain collectively, guaranteed under article 22 of the Covenant.

222. The Committee sets the date for the submission of Chile's fifth periodic report at April 2002. It requests that the text of the State party's fourth periodic report and the present concluding observations be published and widely disseminated within Chile and that the next periodic report be disseminated among non-governmental organizations operating in Chile.

H. Canada

223. The Committee considered the fourth periodic report of the Government of Canada (CCPR/C/103/Add.5) at its 1737th and 1738th meetings (CCPR/C/SR.1737-1738), held on 26 March 1999, and adopted the following concluding observations at its 1747th meeting (CCPR/C/SR.1747), held on 6 April 1999.

1. Introduction

224. The Committee welcomes the comprehensive fourth periodic report as well as the additional written information covering the period since the submission of that report. The Committee expresses its appreciation for the presence of the large delegation representing the Government of Canada and for the frank and forthright replies furnished by the delegation to the issues raised by the Committee. However, the Committee is concerned that the delegation was not able to give up-to-date answers or information about compliance with the Covenant by the provincial authorities.

2. Principal positive aspects

225. The Committee welcomes the delegation's commitment to take action to ensure effective follow-up in Canada of the Committee's concluding observations and to further develop and improve mechanisms for ongoing review of compliance of the State party with the provisions of the Covenant. In particular, the Committee welcomes the delegation's commitment to inform public opinion in Canada about the Committee's concerns and recommendations, to distribute the

Committee's concluding observations to all members of Parliament and to ensure that a parliamentary committee will hold hearings on issues arising from the Committee's observations.

226. The Committee welcomes the final report of the Royal Commission on Aboriginal Peoples and the declared commitment of federal and provincial governments to work in partnership with aboriginal peoples to address needed reforms.

227. The Committee commends the Government of Canada in regard to the Nunavut land and governance agreement of the eastern Arctic.

228. The Committee welcomes the implementation of the Employment Equity Act, which entered into force in October 1996, establishing a compliance regime that requires federal departments to ensure that women, persons belonging to aboriginal and visible minorities and disabled persons constitute a fair part of their workforce.

3. Principal areas of concern and recommendations

229. The Committee, while taking note of the concept of self-determination as applied by Canada to the aboriginal peoples, regrets that no explanation was given by the delegation concerning the elements that make up that concept, and urges the State party to report adequately on implementation of article 1 of the Covenant in its next periodic report.

230. The Committee notes that, as the State party acknowledged, the situation of the aboriginal peoples remains "the most pressing human rights issue facing Canadians". In this connection, the Committee is particularly concerned that the State party has not yet implemented the recommendations of the Royal Commission on Aboriginal Peoples (RCAP). With reference to the conclusion by RCAP that without a greater share of lands and resources institutions of aboriginal self-government will fail, the Committee emphasizes that the right to self-determination requires, inter alia, that all peoples must be able to dispose freely of their natural wealth and resources and that they may not be deprived of their own means of subsistence (art. 1, para. 2). The Committee recommends that decisive and urgent action be taken towards the full implementation of the RCAP recommendations on land and resource allocation. The Committee also recommends that the practice of extinguishing inherent aboriginal rights be abandoned as incompatible with article 1 of the Covenant.

231. The Committee is concerned at the inadequacy of remedies for violations of articles 2, 3 and 26 of the Covenant. The Committee recommends that the relevant human rights legislation be amended so as to guarantee access to a competent tribunal and to an effective remedy in all cases of discrimination.

232. The Committee is concerned that gaps remain between the protection of rights under the Canadian charter and other federal and provincial laws and the protection required under the Covenant, and recommends measures to ensure full implementation of Covenant rights. In this regard the Committee recommends that consideration be given to the establishment of a public body responsible for overseeing implementation of the Covenant and for reporting on any deficiencies.

233. The Committee is deeply concerned that the State party so far has failed to hold a thorough public inquiry into the death of an aboriginal activist who was shot dead by provincial police during a peaceful demonstration regarding land claims in September 1995, in Ipperwash. The Committee strongly urges the State party to undertake a public inquiry into all aspects of this matter, including the role and responsibility of public officials.

234. The Committee is concerned that homelessness has led to serious health problems and even to death. The Committee recommends that the State party take positive measures, as required by article 6, to address this serious problem.

235. The Committee is concerned that Canada takes the position that compelling security interests may be invoked to justify the removal of aliens to countries where they may face a substantial risk of torture or cruel, inhuman or degrading treatment. The Committee refers to its general comment on article 7 and recommends that Canada revise this policy in order to comply with the requirements of article 7 and to meet its obligation never to expel, extradite, deport or otherwise remove a person to a place where treatment or punishment that is contrary to article 7 is a substantial risk.

236. The Committee expresses its concern that the State party considers that it is not required to comply with requests for interim measures of protection issued by the Committee. The Committee urges Canada to revise its policy so as to ensure that all such requests are heeded so that implementation of Covenant rights is not frustrated.

237. The Committee remains concerned that Canada's policy in relation to expulsion of long-term alien residents, fails to give full consideration in all cases to the protection of all Covenant rights, in particular under articles 23 and 24.

238. The Committee is concerned about the increasingly intrusive measures affecting the right to privacy, under article 17 of the Covenant, of people relying on social assistance, including identification techniques such as fingerprinting and retinal scanning. The Committee recommends that the State party take steps to ensure the elimination of such practices.

239. The Committee notes with concern that the State party has not secured, throughout its territory, freedom of association. In particular, the Act to Prevent Unionization with respect to Community Participation under the Ontario Works Act, passed by the Ontario legislature in November 1998, which denies participants in "workfare" the right to join a trade union and to bargain collectively, affects implementation of article 22 of the Covenant. The Committee recommends that the State party take measures to ensure compliance with the Covenant.

240. The Committee is concerned that differences in the way in which the National Child Benefit Supplement for low-income families is implemented in some provinces may result in a denial of this benefit to some children. This may lead to non-compliance with article 24 of the Covenant.

241. The Committee is concerned about ongoing discrimination against aboriginal women. Following the adoption of the Committee's Views in the

Lovelace case in July 1981, amendments were introduced to the Indian Act in 1985. Although the status as Indians of women who had lost that status because of marriage was reinstituted, the amendment affects only the woman and her children, not subsequent generations, which may still be denied membership in the community. The Committee recommends that these issues be addressed by the State party.

242. The Committee is concerned that many women have been disproportionately affected by poverty. In particular, poverty among single mothers, who suffer a very high rate of poverty, leaves their children without the protection to which they are entitled under the Covenant. While the delegation expressed a strong commitment to address this inequality in Canadian society, the Committee is concerned that many of the programme cuts in recent years have exacerbated such inequalities and harmed women and other disadvantaged groups. The Committee recommends a thorough assessment of the impact of recent changes in social programmes on women and that action be undertaken to redress any discriminatory effects of these changes.

243. The Committee sets the date for the submission of Canada's fifth periodic report at April 2004. It urges the State party to make available to the public the text of the State party's fourth periodic report and the present concluding observations. It requests that the next periodic report be widely disseminated among the public, including non-governmental organizations operating in Canada.

I. Lesotho

244. The Committee considered the initial report of the Government of Lesotho (CCPR/C/81/Add.14) at its 1743rd and 1744th meetings (CCPR/C/SR.1743-1744), held on 1 April 1999, and adopted the following concluding observations at its 1747th and 1748th meetings (CCPR/C/SR.1747-1748), held on 6 April 1999.

1. Introduction

245. The Committee welcomes the initial report of Lesotho, which was prepared in conformity with the Committee's guidelines. The Committee notes that the report was submitted after a five-year delay, which was explained by the delegation as being due to the internal disturbances in the State. The Committee notes that the delegation itself admitted the incompatibility with the Covenant of some provisions of its Constitution and also of its legislation and practices.

2. Principal positive aspects

246. The Committee welcomes the establishment of an ombudsman under the Constitution. The Committee notes that the State party has started courses for the training of police officers, prison officers and magistrates in human rights.

247. The Committee welcomes the fact that only the police have the power to arrest and that the security forces have been stripped of this power since 1996.

248. The Committee welcomes the establishment of the Commission of Inquiry into the Conduct and Results of the Lesotho General Elections held in May 1998, and

takes note of the establishment of an Interim Political Authority in October 1998 with the object of facilitating and promoting, in conjunction with legislative and executive structures in Lesotho, the preparations for the holding of general elections within a period of 18 months.

3. Principal areas of concern and recommendations

249. The Committee is seriously concerned that section 18 (4) (a) (b) and (c) of the Constitution allows for the application of legislation and laws, including customary laws, which are discriminatory and incompatible with articles 2, paragraph 1, 3, 23 and 26 of the Covenant.

250. The Committee is also concerned that sections 7 (3) (f) and (6), 14 (2) (c), 15 (2) (c) and 16 (2) (c) of the Constitution allow for the imposition of restrictions which exceed those permitted by the Covenant on the rights protected by articles 12, 19, 21 and 22.

251. The Committee is further concerned that sections 12 (11) (a) and (13) of the Constitution may raise issues of compatibility with article 14, paragraphs 2 and 3 (d), of the Covenant and that section 21 (1) of the Constitution may authorize derogations incompatible with article 4, paragraph 1, of the Covenant.

252. The Committee recommends that the State party take measures to bring all its laws into full conformity with the Covenant.

253. The Committee is gravely concerned that both common and customary law permit discrimination against women by treating them as minors. The Committee notes with concern that, under customary law, inheritance and property rights of women are severely restricted and that under customary law, as well as under common law, women may not enter into contracts, open bank accounts, obtain loans or apply for passports without the permission of their husbands. The Committee welcomes the statement of the delegation that these rules are not commonly applied in practice. The Committee nevertheless urges the State party to take measures to repeal or amend these discriminatory laws and eradicate these discriminatory practices, which are in violation of articles 3 and 26 of the Covenant.

254. The Committee is concerned that the law in force in Lesotho makes abortion illegal except in cases where the woman concerned is of unsound mind or the conception is the result of rape or incestuous intercourse. The Committee recommends to the State party to review the abortion law in order to provide for situations where the life of the woman is in danger.

255. The Committee expresses its grave concern about the fact that the practice of female genital mutilation appears to continue to exist in parts of Lesotho, as noted in the report of the Special Rapporteur on violence against women. The Committee calls for the eradication of this practice, which is contrary to human dignity and violates various human rights, including the right to life (art. 6) and the right to protection against cruel, inhuman and degrading treatment (art. 7), and recommends that the practice be made punishable under law and that educational programmes be undertaken in this regard.

256. The Committee notes with concern that a sexual relationship between consenting adult partners of the same sex is punishable under law. The Committee recommends that the State party amend the law in this respect.

257. The Committee is concerned about the continuing influence of the military in civilian matters and in particular about the climate of impunity for crimes and abuses of authority committed by members of the military. The Committee strongly urges that measures be taken by the State party to ensure the primacy of civil and political authority.

258. The Committee notes the statement by the delegation that capital punishment is no longer carried out in practice and recommends its early abolition.

259. The Committee notes with concern that there are fairly numerous instances of torture of persons in custody. The Committee strongly urges the State party to establish an independent authority consisting of respected civilians to receive and investigate complaints of torture and ill-treatment, provide redress to the victims and prosecute those responsible for torture and ill-treatment.

260. The Committee is concerned about the excessive use of force by the police and security forces, including shooting of suspects to prevent their flight even in cases where there is no violence on the part of the suspects. The Committee urges the State party to investigate such cases and ensure the prosecution and punishment of those responsible. Impunity for violations of human rights is incompatible with the State party's obligation under article 2, paragraph 3, of the Covenant.

261. With regard to pre-trial detention, the Committee is concerned about the detention of suspects for periods longer than 48 hours before they are brought before a magistrate. In particular, it notes with concern that the officers who were involved in the mutiny of 1994 were held for many months before the commencement of court-martial proceedings, as were the junior officers involved in the mutiny of 1998. The Committee recommends that the State party take firm action to enforce compliance with its own legislative provision limiting pre-trial detention to 48 hours before appearance before a magistrate.

262. The Committee is concerned that no action has so far been taken to prosecute law enforcement officers and members of the private security agency responsible for the killings in Butha-buthe in 1995. The Committee recommends to the State party to take the necessary action against those responsible.

263. The Committee expresses concern about the treatment of detainees in contravention of articles 7 and 10 of the Covenant. While it notes the statement by the delegation that corporal punishment has been abolished, it notes with concern the indication in the State party's report that corporal punishment is still used, provided that a medical doctor is present. The Committee urges the State party to take the necessary measures to improve prison conditions and to abolish totally corporal punishment both in law and in practice.

264. The Committee notes that the State party, through a Cabinet decision dated 23 November 1995, has provided for permanent and pensionable status for judges. The Committee recommends, however, that this decision be implemented through appropriate legislation.

265. The Committee is seriously concerned about reports of harassment of and repeated libel suits against journalists who criticize the Government of Lesotho. The Committee is also gravely concerned about the reports it has received that newspapers which adopt a negative attitude towards the Government are boycotted by State and parastatal companies placing advertisements, and that journalists working for the State who are seen at opposition demonstrations are required to resign. The Committee urges the State party to respect freedom of the press and to desist from taking any action which would violate the freedom of the press.

266. The Committee is concerned that the relevant authority under the Printing and Publishing Act has unfettered discretionary power to grant or to refuse registration to a newspaper, in contravention of article 19 of the Covenant. The Committee recommends to the State party to provide for guidelines for the exercise of discretion and procedures for effective review of the validity of the grounds for refusal of registration and to bring its legislation into conformity with article 19 of the Covenant.

267. The Committee is concerned that the National Security Service and other security agencies are given the power to intercept mail and tap telephones without any safeguards and without any possibility of review of the decision of the Service. The Committee urges the State party to provide safeguards for the exercise of the power to intercept mail and tap telephones, with independent supervision of such activities.

268. The Committee is concerned that, although there has been improvement in the participation of women in the public and private sectors, the participation of women is still inadequate. The Committee urges the State party to take the measures needed, including, if necessary, affirmative action, to further improve the participation of women in political life as well as public life, including the public and judicial services.

269. The Committee sets the date for the submission of Lesotho's periodic report at April 2002. It urges the State party to make available to the public the text of the State party's initial report and the present concluding observations. It requests that the next periodic report be widely disseminated among the public, including non-governmental organizations operating in Lesotho.

J. Costa Rica

270. The Committee considered the fourth report of Costa Rica (CCPR/C/103/Add.6) at its 1745th and 1746th meetings (CCPR/C/SR.1745-1746), held on 5 April 1999, and adopted the following concluding observations at its 1751st meeting (CCPR/C/SR.1751), held on 8 April 1999.

1. Introduction

271. The Committee welcomes the presentation by the delegation of the fourth periodic report of Costa Rica. It also expresses its appreciation for its comprehensive responses to the Committee's written and oral questions.

2. Principal positive aspects

272. The Committee notes with satisfaction that in Costa Rica international human rights treaties have primacy over domestic law.

273. The Committee welcomes the progress made by the Office of the Ombudsman in dealing with violations of human rights.

274. The Committee takes note of measures to enhance equality between men and women and welcomes in this regard the drawing up of affirmative action plans. It also notes that the Labour Code guaranteeing women's rights on the basis of article 33 of the Constitution has helped to secure greater equality for women.

275. The Committee commends the State party for the establishment of a Ministry for Women's Affairs, and for the development of national plans aimed at combating domestic violence.

276. The Committee commends the State party for its ratification of the Second Optional Protocol, aiming at the abolition of the death penalty.

277. The Committee notes with satisfaction the entry into force of a new Code of Criminal Procedure. In particular, it welcomes the provision of alternatives to prison sentences, through fines and payment of damages, community service, re-education and conciliation between offenders and victims. It also takes note of measures which are planned in order to reduce crowding in the prisons.

3. Principal areas of concern and recommendations

278. The Committee regrets that, despite its comments on earlier reports, the fourth periodic report does not sufficiently address, under the appropriate articles, the practical implementation of human rights in Costa Rica since the submission of the State party's third report.

279. The Committee notes that the report is unclear about the scope and effect of the remedy of amparo. The Committee therefore recommends that the State party include in its next periodic report a precise explanation, with examples to illustrate its application in respect of public and private agencies.

280. The Committee notes with concern the consequences for women of the continuing criminalization of all abortions, including the danger to life involved in clandestine abortions. The Committee recommends that the law be amended to introduce exceptions to the general prohibition of all abortions.

281. The Committee is concerned that violence against women and domestic violence in particular is on the increase in Costa Rica. It recommends that all necessary measures, including the enactment of appropriate legislation, be taken to protect women in these areas.

282. The Committee notes with concern that, although the State party affirms that no cases of torture have occurred in Costa Rica, it has not received adequate information about legislation and other measures designed to prevent and punish torture and other cruel and inhuman acts.

283. The Committee remains concerned that individuals awaiting trial may spend long terms in detention after indictment. The State party should ensure that its law and practice in this matter comply with article 9, paragraph 3, and article 14, paragraphs 2 and 3 (c), of the Covenant.

284. The Committee recommends that further data be provided on alleged cases of discrimination in the public and private sectors, and remedies to deal with such cases.

285. The Committee remains concerned at the fact that religious discrimination in education and other aspects of Costa Rican life continues to be embodied in domestic legislation, as noted in its previous concluding observations. The Committee reiterates the State party's obligation to bring domestic legislation into harmony with the Covenant and requests the State party to report on the implementation of this recommendation.

286. The Committee notes with concern that freedom of association, including the right to collective bargaining, is not adequately respected in conformity with article 22 of the Covenant. It reiterates in particular the concern expressed in its previous concluding observations that workers in small agricultural businesses do not receive adequate protection against reprisals for attempts to form associations and trade unions. The Committee wishes to stress that the State party should guarantee the enjoyment of rights by all individuals and therefore recommends once again that it consider steps to review and, where necessary, reform labour legislation, to introduce measures of protection to ensure that workers have access to speedy and effective remedies, and to ensure that freedom of association, as guaranteed under article 22 of the Covenant, is enjoyed by all workers in Costa Rica.

287. The Committee is deeply concerned at the high incidence of commercial sexual exploitation of children in Costa Rica, apparently often related to tourism. It notes the creation of a National Board for the Protection of the Child and amendments to the Criminal Code to criminalize the sexual exploitation of children. The Committee urges the State party to take further measures to eradicate this phenomenon, in cooperation as appropriate with other States, through the investigation and prosecution of the crimes in question.

288. The Committee further notes with concern an increase in child labour and school drop-outs, and that no effective remedies are in place.

289. The Committee notes that, despite improvements, laws aimed at gender equality have not had their intended effect, in particular with regard to equal pay, and recommends that the State party take all steps necessary to give effect to its commitments in law, and to bring about the necessary cultural and attitudinal changes that must accompany them, through educational and other programmes.

290. The Committee remains concerned that article 27 of the Covenant is not adequately dealt with by the State party in its fourth periodic report. It reiterates its previous recommendation that future reports should contain, inter alia, detailed and updated information on the extent to which each of the rights protected under the Covenant, including article 27, are enjoyed in actual practice by the members of indigenous communities. Although it notes the State party's establishment of CONAI (Comisión Nacional Indígena), and the enactment of a bill to implement the International Convention on the Elimination of All Forms of Racial Discrimination and ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries, it remains concerned at the lack of effective remedies for indigenous people in Costa Rica.

291. The Committee sets the date for the submission of Costa Rica's fifth periodic report at April 2004. It urges the State party to make available to the public the text of its fourth report and the present concluding observations. It also requests that the next periodic report be disseminated to the public and to appropriate non-governmental organizations.

K. Cambodia

292. The Committee considered the initial report of Cambodia (CCPR/C/81/Add.12) at its 1758th, 1759th and 1760th meetings (CCPR/C/SR.1758-1760), held on 14 and 15 July 1999, and adopted the following concluding observations at its 1770th and 1771st meetings (CCPR/C/SR.1770-1771), held on 22 July 1999.

1. Introduction

293. The Committee welcomes the State party's comprehensive and detailed initial report which pointed to many difficulties. It appreciates the information provided by the delegation in its dialogue with the Committee.

2. Positive aspects

294. The Committee welcomes the fact that the State party has begun the process of reforming and training the judiciary which was destroyed in the period of Khmer Rouge rule.

295. The Committee also welcomes the fact that the Constitution calls for recognition of and respect for human rights as stipulated in international instruments, including the Covenant.

3. Factors and difficulties affecting implementation of the Covenant

296. The State party has undergone a long period of conflict and violence which resulted in the killing of a large proportion of its population, the forced exile of many others, the destruction of the main institutions of the State, including the judiciary, and the undermining of its economic and social life. There remains an unacceptable level of violence and use of weapons.

4. Principal areas of concern and recommendations

297. The Committee is concerned that Khmer Rouge leaders have not yet been brought to trial.

The State party should take steps without delay to ensure that the alleged perpetrators of gross human rights violations and crimes against humanity are brought to trial before properly constituted independent courts and in accordance with generally accepted international standards.

298. The Committee is concerned that under article 31 of the Constitution equal rights apply to "Khmer citizens" while other provisions protect the rights of "non-Khmer citizens".

The State party should ensure that the rights contained in the Covenant are enjoyed by all without distinction.

299. The Committee is concerned that the justice system remains weak owing to the killing or expulsion of professionally trained lawyers during the conflict, the lack of training and resources for the new judiciary and their susceptibility to bribery and political pressure. The Committee is also concerned that the Supreme Council of the Magistracy is not independent of government influence, and that it has not yet been able to deal with the many allegations of judicial incompetence and unethical behaviour.

300. The Committee is further concerned that the judiciary seeks the opinion of the Ministry of Justice in regard to the interpretation of laws and that the Ministry issues circulars which are binding on judges.

The State party should take urgent measures to strengthen the judiciary and to guarantee its independence, and to ensure that all allegations of corruption or undue pressure on the judiciary are dealt with promptly.

301. The Committee is seriously concerned that the effect of article 51 of the Cambodian Common Statute of Civil Servants, in requiring permission from the relevant minister (or from the Council of Ministers) before a criminal prosecution against a civil servant (or senior civil servant) may be initiated, tends to lead to impunity by preventing the investigation and prosecution of public officials, including law enforcement officers responsible for human rights violations. It notes the statement by the delegation that this law is not applied to members of the security forces and that its repeal has been proposed.

The State party should repeal article 51 of the Common Statute of Civil Servants without delay.

302. The Committee is concerned that the State party has not yet established an independent and legally constituted body with power to oversee and report on the implementation of human rights obligations and to investigate complaints of human rights violations, and that the National Human Rights Committee referred to in paragraph 27 of the report has neither the resources nor the independence to carry out this function. Furthermore, while the State party concedes that

its judiciary is lacking in resources and is plagued by corruption, it puts undue reliance on the courts to investigate human rights violations by public officials.

A permanent and independent human rights monitoring body should be established by legislation, with adequate powers and resources to receive and investigate allegations of torture or other abuses of power by public officials.

303. The Committee is alarmed at reports of killings by the security forces, other disappearances and deaths in custody, and at the failure of the State party to investigate fully all these allegations and to bring the perpetrators to justice. It is particularly concerned at the lack of action in regard to the many deaths and disappearances that occurred during 1997 and during the 1998 elections, and in regard to the delay in completing the investigation of the grenade attack on demonstrators on 30 March 1997.

Action should be taken without delay to prevent the further occurrence of such incidents, to investigate all such allegations, and to bring those alleged to have violated Covenant rights to trial.

304. The Committee is concerned at statements in the report that the laws relating to arrest and preventive and pre-trial detention are not strictly observed, that unlawful and arbitrary detention is common and that many persons are kept in pre-trial detention longer than the period of six months permitted under Cambodian law. It is especially concerned that the provisions of the Transitional Criminal Code (arts. 10-22), under which the court must order the immediate release of a person arrested without a warrant, are not always complied with by the police authorities. It is also concerned about reports of obstruction of the judicial process by the police.

The State party should take firm measures, including training of the judiciary and the police in human rights, to ensure strict compliance with its Criminal Code and with article 9 of the Covenant.

305. The Committee is seriously concerned at statements in the report relating to the frequency of physical and mental coercion of accused persons and the beating of detainees during interrogation, and that there have been few investigations or prosecutions in respect of allegations of torture and ill-treatment. The Committee is also concerned at reports that women prisoners are vulnerable to rape by prison guards and that despite the prohibition of the use of shackles and chains in prisons, there continue to be reports of their use.

The State party should act without delay to prevent these abuses, which violate article 7, paragraph 1 and article 10, paragraph 1, of the Covenant, to investigate alleged violations and bring the perpetrators to justice; it should ensure that confessions obtained by force are excluded from evidence, that women prisoners are guarded only by female warders, and that there are effective procedures for making and investigating complaints by prisoners and detainees.

306. The Committee is concerned at reports of serious overcrowding in prisons and at the level of ill-health among prisoners and the lack of health care.

The State party should take urgent steps to ensure that article 10 of the Covenant is fully implemented and that basic minimum standards are met in all prisons and places of detention.

307. The Committee is concerned at reports that children are detained in juvenile detention facilities for considerable periods without charge, and without access to a lawyer or to court. It is particularly concerned that these children are subjected to beatings and to ill-treatment.

The State party should ensure strict observance of articles 7, 9 and 10 and should take appropriate measures to ensure the protection of children in accordance with article 24 of the Covenant.

308. The Committee is seriously concerned at the reports of extensive trafficking of men and women for labour, and of women and children for purposes of sexual exploitation and forced prostitution. It is particularly concerned that the laws which prohibit these abuses are not enforced.

The State party should take positive steps to eradicate these practices, to protect the victims, to prosecute those responsible and to enforce anti-corruption measures in respect of law enforcement officers.

309. The Committee is concerned that prevalent attitudes concerning the subordinate role of women in the family and in society are a substantial obstacle to the equal enjoyment of rights by women, and impede their education and opportunities for employment and full participation in political life. The Committee is also concerned that parents decide upon marriage, that children are forced into marriage, that rape in marriage is not an offence and that the authorities do not provide support to women who complain of domestic violence.

The State party, in conformity with its obligations under the Covenant, should ensure greater access to education by women and girls, equal employment opportunities for women, and the full and equal participation of women in political life. It should also take steps to ensure respect for laws prohibiting marriage without full and free consent, and introduce measures to enable women to seek effective protection of the law in case of domestic violence.

310. The Committee is concerned at reports concerning violent attacks on and harassment of journalists and suspension of publications. It is also concerned at the Press Laws which impose licensing requirements and prohibit publications which, inter alia, cause harm to political stability or which insult national institutions. These broadly defined offences are incompatible with the restrictions permissible under paragraph 3 of article 19 of the Covenant.

The State party should take action to protect journalists and to investigate acts of violence and bring the perpetrators to justice. The Press Laws should be brought into compliance with article 19 of the Covenant.

311. The Committee regrets the lack of specific information concerning indigenous peoples, especially hill tribes, and about the measures taken to ensure that their rights under article 27 to enjoy their cultural traditions, including their agricultural activities, are respected.

Immediate measures should be taken to ensure that the rights of members of indigenous communities are respected; further information on these issues should be included in the State party's second periodic report.

312. The Committee requests that the State party submit its second periodic report in 2002. It recommends that the State party disseminate the present concluding observations, in the Cambodian language, widely throughout the community.

L. Mexico

313. The Committee considered the fourth periodic report of Mexico (CCPR/C/123/Add.1) at its 1762nd and 1763rd meetings (CCPR/C/SR.1762-1763), held on 16 July 1999, and adopted the following concluding observations at its 1771st to 1773rd meetings (CCPR/C/SR.1771-1773), held on 22 and 23 July 1999.

1. Introduction

314. The Committee welcomes the timely submission of the fourth periodic report of Mexico and of an additional report and other information providing a detailed and up-to-date description of the human rights situation in the State party. It notes that the Committee's comments relating to consideration of the third periodic report of Mexico were taken into account by the State party when preparing its latest report. The Committee notes that the State party was represented by a large delegation which was able to reply to many of the Committee members' concerns in the course of the analysis of the report.

2. Positive factors

315. The Committee takes note with satisfaction of the improvements introduced since the submission of the previous report, including the decision of 8 June 1999, approved by Congress, to allow the National Human Rights Commission independence and the launching of several programmes proposed by the latter to improve the situation of women, children and the family, the programme concerning presumed disappearances and the release of imprisoned indigenous persons. The Committee takes note of the establishment of National Programmes for the Protection of Human Rights, the Development Plan 1995-2000 and the Public Security programme, which are positive developments.

316. The promulgation of the Federal Public Advocacy Act and of the Federal Act for the Prevention and Punishment of Torture constitute significant advances as far as investigating human rights violations and preventing impunity are concerned.

317. The Committee notes with satisfaction the electoral reforms introduced with a view to holding more pluralistic and transparent elections.

3. Principal subjects of concern and recommendations

318. The Committee considers it a matter of the gravest concern that not all forms of torture are necessarily covered by law in all Mexican States, and that there is no independent body to investigate the substantial number of complaints regarding acts of torture and cruel, inhuman or degrading treatment. It is also a matter of concern that the acts of torture, enforced disappearances and extrajudicial executions which have taken place have not been investigated; that the persons responsible for those acts have not been brought to justice; and that the victims or their families have not received compensation.

The State must take the necessary measures to attain full compliance with articles 6 and 7 of the Covenant, including measures to provide remedies against torture in all the States of Mexico.

319. The Committee is concerned that the possibility exists of placing on an accused person the burden of proof that a confession has been obtained by coercion, and that confessions obtained by coercion may be used as evidence against an accused person.

The State party should amend the provisions of the law as necessary to ensure that the burden of proof that a confession used in evidence has been made by the accused person of his own free will shall lie with the State, and that confessions obtained by force cannot be used as evidence in trial proceedings.

320. The Committee is furthermore concerned by the increase in the activities of the armed forces within society, particularly in the States of Chiapas, Guerrero and Oaxaca, where they carry out activities pertaining to police forces.

Order should be maintained within the country through the civil security forces.

321. The Committee is deeply concerned by the fact that no institutionalized procedures exist for the investigation of allegations of violations of human rights presumed to have been committed by members of the armed forces and by the security forces, and that as a consequence those allegations are frequently not investigated.

The State party should establish appropriate procedures to ensure that independent investigations are conducted into allegations of violations of human rights involving members of the armed forces and the security forces and that the persons accused of such violations are brought to trial. The State should also establish effective remedies for the victims.

322. The Committee has taken note of the combined effect of the implementation of the 1995 Act Establishing Coordination between National Public Security Systems and the 1996 Act Against Organized Crime, as well as the extension of the concept of "flagrancy", which has been to increase the number of circumstances in which an arrest can be made without a warrant issued by a competent official of the judiciary. This implies a serious threat to the

security of persons. The Committee has also taken note of the fact that in cases of arrest in "flagrante delicto" and in cases of emergency, an arrested person is handed over to the Office of the Public Prosecutor, which may hold that person in detention for 48 hours (and, in special circumstances, up to 96 hours) before bringing him or her before a court. The Committee deplores the fact that arrested persons do not have access to legal counsel before the time they are required to make a formal statement to the Office of the Public Prosecutor and that the situation regarding access by members of an arrested person's family was not clarified during consideration of the report.

The State party should immediately amend the relevant legal provisions and establish procedures compatible with the provisions of article 9.

323. The criminal procedure established and applied in Mexico constitutes an obstacle to full compliance with article 14 of the Covenant, which requires a trial to take place before a judge, in the presence of the accused person and at a public hearing.

The State party should establish a procedure ensuring that accused persons enjoy all their rights in a suit at law in accordance with article 14.

324. The Committee observes that, although a state of emergency has not been proclaimed in areas of conflict, the population has suffered derogations from rights corresponding to a state of emergency, such as control points that impede freedom of movement.

All necessary derogations from the rights guaranteed by the Covenant must comply with the conditions laid down in article 4 of the Covenant.

325. The Committee is concerned at the obstacles to the free movement of foreigners, especially the members of non-governmental organizations investigating human rights violations on Mexican territory, and in particular the fact that residence permits have been cancelled and visas refused for the same reasons.

The State party should lift the restrictions on the access and activities of persons entering Mexico to investigate human rights violations.

326. The Committee deplores the serious violations of freedom of expression represented by frequent murders of journalists and acts of intimidation making it difficult for representatives of the press to exercise their profession freely in Mexico or preventing them from doing so. It also deplores the existence of the offence of "defamation of the State".

Journalists should be guaranteed freedom of expression as laid down in article 19 and other related provisions of the Covenant so that they can carry out their activities without hindrance. Furthermore, the criminal offence of "defamation of the State" should be abolished.

327. The Committee also deplores the constantly worsening situation of street children. These are the children who are at greatest risk of sexual violence and who are exposed to the practices of sexual trafficking.

The State should take effective measures for the protection and rehabilitation of these children in accordance with article 24 of the Covenant, including measures to end prostitution, child pornography and the sale of children.

328. The Committee is concerned at the level of violence against women, including the many reported cases of abduction and murder which have not led to the arrest or trial of the perpetrators and the many allegations of rape or torture by the security forces of women in detention which the latter are fearful of reporting.

The State party should take effective measures to protect the security of women to ensure that no pressure is brought to bear on them to deter them from reporting such violations, and to ensure that all allegations of abuse are investigated and the perpetrators brought to justice.

329. The Committee is concerned by information to the effect that Mexican women seeking employment in foreign enterprises in the frontier areas of Mexico (maquiladoras) are subjected to pregnancy tests and required to respond to intrusive personal questioning, and that some women employees have been administered anti-pregnancy drugs. It is also concerned that those allegations have not been seriously investigated.

Measures should be taken to investigate all such allegations with a view to ensuring that women whose rights to equality and to privacy have been violated in this way have access to remedies, and to preventing such violations from recurring.

330. The State party should approve measures to ensure equality of opportunity for women, their full participation in public life in conditions of equality, and the removal of all remaining discriminatory provisions in regard to marriage, divorce and remarriage.

331. Despite the acknowledgement in article 4 of the Constitution of the multicultural composition of the Mexican nation, originally founded by its indigenous peoples, and the determination of the State party to settle the question of self-determination for indigenous communities, article 27 of the Constitution seems to protect only certain categories of rights with regard to indigenous lands and still leaves the indigenous populations exposed to a wide range of human rights violations.

The State party should take all necessary measures to safeguard for the indigenous communities respect for the rights and freedoms to which they are entitled, individually and as a group; to eradicate the abuses to which they are subjected; and to respect their customs and culture and their traditional patterns of living, enabling them to enjoy the usufruct of their lands and natural resources. Appropriate measures should also be taken to increase their participation in the country's institutions and the exercise of the right to self-determination.

332. The Committee notes that the law does not recognize the status of conscientious objectors to military service.

The State party should ensure that persons required to perform military service can invoke conscientious objection as grounds for exemption.

333. The State party should give wide dissemination to the text of its fourth periodic report and to the present concluding observations. It should also include in its fifth periodic report, due in July 2002, information in response to these observations.

M. Poland

334. The Committee considered the fourth periodic report of Poland (CCPR/C/95/Add.8) at its 1764th and 1765th meetings (CCPR/C/SR.1764-1765), held on 19 July 1999, and adopted the following concluding observations at its 1779th meeting (CCPR/C/SR.1779), held on 28 July 1999.

1. Introduction

335. The Committee welcomes the fourth periodic report of Poland and the State party's recently submitted revised core document (HRI/CORE/1/Add.25/Rev.1), as well as the explanations given in answer to the written and oral questions put by the members of the Committee. The Committee also appreciates the presence of the substantial delegation which represented various branches of the Government. The Committee furthermore commends the State party for having given wide publicity to its report and to the work of the Committee.

2. Positive aspects

336. The Committee commends the State party for its ongoing process of bringing its legislation into harmony with the provisions of the Covenant. It welcomes the adoption of a new Constitution specifically protecting the fundamental rights of the individual, including the rights of persons belonging to ethnic minorities, and ensuring the precedence of international agreements over domestic statute law in cases of conflict.

337. The Committee is appreciative of the enactment of a new Code of Criminal Procedure, including a new right of appeal by way of cassation, an Penal Executive Code and a new Penal Code, the last providing for personal accountability for acts of ill-treatment by public officials.

338. The abolition of the death penalty, even during wartime, is welcomed.

339. The Committee notes with satisfaction the ratification by the State party of the Optional Protocol to the Covenant.

340. The Committee welcomes the fact that the Commissioner for Citizens' Rights has a substantial staff and is vested with broad competence, such as (a) recommending remedies for breaches of human rights; (b) the power to file a cassation appeal in the Supreme Court against judicial decisions; and (c) to request the Constitutional Tribunal to verify the conformity of laws with the Constitution and ratified international conventions.

341. The Committee welcomes the presumption in favour of granting bail and requiring a court to refuse it only in limited circumstances.

3. Principal subjects of concern and recommendations

342. The Committee expresses its concern about the absence of any legal mechanism allowing the State party, on a systematic basis, to deal with views of the Committee under the Optional Protocol and to implement them.

343. The Committee reiterates its concern about the numerous forms of discrimination against women, both in Polish society and in the national legal system. The Committee notes with regret that the State party devoted very limited attention to the issue of gender equality (art. 3) in its fourth periodic report (para. 34), but welcomes the additional information made available by the delegation.

344. The Committee notes with concern: (a) strict laws on abortion which lead to high numbers of clandestine abortions with attendant risks to the life and health of women; (b) limited accessibility for women to contraceptives owing to high prices and restricted access to suitable prescriptions; (c) the elimination of sexual education from the school curriculum; and (d) the insufficiency of public family planning programmes (arts. 3, 6, 9 and 26).

The State party should introduce policies and programmes promoting full and non-discriminatory access to all methods of family planning and reintroduce sexual education at public schools.

345. The Committee is also concerned about the lack of gender equality (art. 3) in the employment sector. For example, the State party's figures and other information received show that: (a) the number of women holding high technical, managerial or political posts continues to be low while relatively large numbers occupy less well-rewarded positions; (b) average salaries earned by women amount to only 70 per cent of those earned by men; (c) women do not receive equal remuneration for work of equal value; and (d) employers continue to tend to require pregnancy testing.

Further measures should be taken by the State party to counteract these forms of discrimination against women and to promote the equality of women in political and economic life.

346. The Committee is concerned about the effects of the Polish pension system which results in lower pensions for women by preserving different retirement ages for men (65) and women (60). It notes that the theory of allowing women to retire later than the age of 60 is not reflected in practice, and since the amount of the pensions is directly linked to the number of years of work, women receive lower pensions (arts. 3 and 26).

Different retirement ages for men and women are discriminatory and should be eliminated.

347. The Committee acknowledges the State party's efforts to implement a programme against domestic violence but is concerned at: (a) the large number of reported cases of such violence; (b) the lack of any protective remedy in the civil courts; and (c) the shortage of hostels and refuges for family members suffering from domestic violence (art. 9).

Legislative and administrative measures should be put in place to correct such deficiencies.

348. The Committee is concerned about the persistence in the army of the practice of "fala", whereby new recruits are subjected to abuse and humiliation (art. 7).

The State party should adopt firm measures to eradicate this practice.

349. While noting the measures taken by the State party to implement article 10 by improving conditions in the penal system, the Committee remains concerned at the complete inadequacy of cell space per inmate (art. 10, para. 1).

The State party should effectively improve facilities for prisoners so as to comply with the Standard Minimum Rules for the Treatment of Prisoners.

350. The Committee is also concerned at the lack of an independent system of supervision of: (a) abuses of human rights by police officers; (b) the conditions in penal institutions, including those for juvenile offenders; and (c) complaints of violence or other abuse by members of the Prison Service.

Mechanisms should be established for independent monitoring of these matters in order to protect the rights enshrined in articles 7, 9 and 10 of the Covenant.

351. The Committee expresses the view that the maximum length of pre-trial detention (12 months), and especially the ability to extend this up to another 12 months, is incompatible with article 9, paragraph 3.

The period of pre-trial detention should be reduced, and in any event persons who have to be detained should be brought to trial within a reasonable time or released.

352. The Committee notes that figures have been given of the overall number of advocates and counsellors qualified to act in the courts; it regrets the absence of information about: (a) the number of lawyers available to provide free legal aid; and (b) any systems to check the quality of their performance (art. 14 (3)(d)).

353. The Committee is concerned at the excessive delays in criminal and civil trials (art. 14 (1) and (3)(c)).

The State party should: (a) proceed urgently with the steps in progress to improve the infrastructure so as to reduce delays in all courts; and (b) present in its next report realistic statistics showing the results of these reforms.

354. The Committee is concerned at information about the extent to which military courts have jurisdiction to try civilians (art. 14). Despite recent limitations on this procedure, the Committee does not accept that this practice is justified on the grounds that it is convenient for the military courts to try every person who may have taken some part in an offence committed primarily by a member of the armed forces.

These provisions of the Code of Criminal Procedure should be amended or repealed.

355. As regards telephone tapping, the Committee is concerned that the Prosecutor (without judicial consent) may permit telephone tapping and that there is no independent monitoring of the use of the entire system of tapping telephones.

The State party should review these matters so as to ensure compatibility with article 17, introduce a system of independent monitoring, and include in its next report a full description of the system by then in operation.

356. The Committee regrets that the reference to sexual orientation which had originally been contained in the non-discrimination clause of the draft Constitution has been deleted from the text; this could lead to violations of articles 17 and 26.

357. The Committee is concerned that current mechanisms for monitoring new religious movements may pose a threat to freedom of religion (arts. 18 and 26).

The State party should include in its next report information on the activities of these mechanisms and their effect on the actual enjoyment of religious freedom on equal terms by members of all religious denominations in Poland.

358. The Committee welcomes the abolition by law of corporal punishment in schools; it is concerned, however, that this change in the law is not fully being implemented (arts. 7 and 24).

359. The Committee sets the date for the submission of Poland's fifth periodic report at July 2003. It urges the State party to make available to the public the text of the present concluding observations in appropriate languages. It requests that the next periodic report be widely disseminated among the public, including non-governmental organizations operating in Poland.

N. Romania

360. The Committee considered the fourth periodic report of Romania (CCPR/C/95/Add.7) at its 1766th, 1767th and 1768th meetings (CCPR/C/SR.1766-1768), held on 20 and 21 July 1999, and adopted the following concluding observations at its 1777th meeting (CCPR/C/SR.1777), held on 27 July 1999.

1. Introduction

361. The Committee welcomes the State party's efforts to respond in a comprehensive manner to the issues raised by the Committee on the basis of its fourth periodic report. It also appreciates the presence of a substantial delegation from Bucharest, and the detailed information provided in response to questions by members of the Committee.

2. Positive aspects

362. The Committee commends the State party for progress made in bringing the Romanian legal order into harmony with its obligations under the Covenant, and for the establishment of institutions which contribute to the promotion and

protection of human rights, e.g. the People's Advocate (Ombudsman) and the Department for the Protection of National Minorities. It especially welcomes the establishment, within that Department, of a National Office for Roma, to initiate, support and coordinate actions to improve respect for the rights of the Roma.

364. The Committee notes with satisfaction that changes have been made to improve the administration of justice and to strengthen the independence of the judiciary, in particular the irremovability of judges. The Committee also notes that during recent years the Romanian courts have made frequent reference to international legal provisions, in particular those of the Covenant.

C. Principal subjects of concern and recommendations

365. A matter of grave concern to the Committee is the situation of street children and abandoned children, an exceedingly serious problem which remains unresolved in Romania (art. 24).

The State party should take all necessary measures to comply with article 24 of the Covenant, by protecting and rehabilitating these children, by guaranteeing them a name, and by ensuring that all births are duly registered in Romania.

366. The Committee expresses its concern about continuing discrimination against the Roma (arts. 26 and 27).

The State party should pursue further measures, both legislatively and in practice, to ensure the rights of the Roma in the public and private sectors, particularly with respect to access to education and support for the Roma language.

367. While the Committee appreciates steps taken by the State party to promote gender equality, it remains concerned about discrimination against women, particularly the absence of women in decision-making positions and in politics (arts. 3 and 26).

The State party should take prompt action to combat discrimination against women and, in particular, to ensure greater representation of women in politics and Government and in more senior positions in the public and private sectors.

367. The Committee also expresses its serious concern about domestic violence against women, a problem which cannot be resolved exclusively by penal sanctions (arts. 3, 7 and 9).

The State party should take appropriate action, in legislation and in practice, to provide women victims of domestic violence with access to protective measures before the courts in order to prevent renewed violence by their aggressors.

368. The Committee is concerned at the lack of a clear legal framework defining and limiting the role of the security forces and providing for effective civilian control over them.

The State party should promptly provide for such limitations and control by legislation and appropriate regulations.

369. The Committee is deeply concerned about threats to the independence of the judiciary through interference by the executive, and about the powers exercised by the Ministry of Justice in regard to judicial matters, including the appeal process, and its powers of inspection of the courts (art. 14).

The Committee urges the State party to establish a clear demarcation between the competence of the executive and judicial bodies.

370. The Committee is concerned at the extent of pre-trial detention, the broad prerogatives of the Public Ministry to allow the withdrawal of procedural safeguards in situations of deprivation of liberty, and the possibility of extending the 30-day period of detention without suitable limits or judicial control (art. 9).

371. The Committee is disturbed at continued incidents involving the use of firearms by the police, especially in cases of petty offences committed by minors (arts. 6, 7 and 9).

The use of firearms by the police should be closely regulated in order to prevent violations of the right to life and personal security.

372. The Committee is also concerned at the lack of legislation invalidating statements of accused persons obtained in violation of article 7 of the Covenant.

The State party should adopt appropriate legislation that places the burden of proving that statements made by accused persons in a criminal case have been given of their own free will on the State, and that excludes statements obtained in violation of article 7 of the Covenant from being presented as evidence.

373. The Committee is concerned about the conditions in prisons, including continued overcrowding (art. 10).

The State party should take measures to improve conditions in prisons, particularly overcrowding, in the shortest practicable time.

374. The Committee is concerned that freedom of expression and of the press are unduly limited by article 31, paragraph 4, of the Romanian Constitution and by the application of the law on defamation (art. 19).

Article 238 of the Penal Code should be abrogated, and articles 205 and 206 appropriately modified. Article 31, paragraph 4, of the Constitution should be interpreted in the light of article 19 of the Covenant.

375. The Committee is concerned about restrictions on the right to privacy, in particular in regard to homosexual relations between consenting adults, which are penalized by article 200, paragraph 1, of the Penal Code (art. 17).

The State party should take timely action to ensure that this provision is amended so as to conform with the Covenant.

376. The Committee is concerned that the State party has not provided for the right to conscientious objection without discrimination (arts. 18 and 26).

The State party should amend its legislation to provide for conscientious objection, in a manner that is consistent with articles 18 and 26 of the Covenant.

377. The Committee sets the date for the submission of Romania's fifth periodic report at July 2003. It urges the State party to make available to the public the text of the State party's fourth periodic report and the present concluding observations. It requests that the next periodic report be widely disseminated among the public, including non-governmental organizations operating in Romania.

V. GENERAL COMMENTS OF THE COMMITTEE UNDER ARTICLE 40, PARAGRAPH 4, OF THE COVENANT

378. At its sixty-second session, Mr. Klein submitted to the Committee a draft general comment on article 12. At its sixty-sixth session, the Committee completed the second reading of the draft.

379. At its sixty-sixth session, Mr. Scheinin submitted a draft general comment on article 4.

380. At its sixty-second session, Ms. Medina Quiroga submitted to the Committee a draft general comment on article 3 of the Covenant, revising and replacing general comment 4 (3). The Committee continued discussion of the draft at its subsequent sessions.

381. Other general comments which the Committee has agreed to prepare will deal with articles 2, 21 and 22.

VI. CONSIDERATION OF COMMUNICATIONS UNDER THE OPTIONAL PROTOCOL

382. Individuals who claim that any of their rights under the International Covenant on Civil and Political Rights have been violated by a State party, and who have exhausted all available domestic remedies, may submit written communications to the Human Rights Committee for consideration under the Optional Protocol. No communication can be considered unless it concerns a State party to the Covenant that has recognized the competence of the Committee by becoming a party to the Optional Protocol. Of the 145 States that have ratified, acceded or succeeded to the Covenant, 95 have accepted the Committee's competence to deal with individual complaints by becoming parties to the Optional Protocol (see annex I, sect. B).

383. Consideration of communications under the Optional Protocol is confidential and takes place in closed meetings (art. 5, para. 3, of the Optional Protocol). Under rule 96 of the rules of procedure, all working documents issued for the Committee are confidential unless the Committee decides otherwise. However, the author of a communication and the State party concerned may make public any submissions or information bearing on the proceedings unless the Committee has requested the parties to respect confidentiality. The Committee's final decisions (Views, decisions declaring a communication inadmissible, decisions to discontinue a communication) are made public; the name(s) of the author(s) is(are) disclosed unless the Committee decides otherwise.

A. Progress of work

384. The Committee started its work under the Optional Protocol at its second session, in 1977. Since then, 873 communications concerning 60 States parties have been registered for consideration by the Committee, including 50 placed before it during the period covered by the present report (1 August 1998-30 July 1999).

385. The status of the 873 communications registered for consideration by the Human Rights Committee so far is as follows:

(a) Concluded by Views under article 5, paragraph 4, of the Optional Protocol: 328, including 253 in which violations of the Covenant were found;

(b) Declared inadmissible: 267;

(c) Discontinued or withdrawn: 129;

(d) Not yet concluded: 149 of which 38 have been declared admissible.

386. In addition, the secretariat of the Committee has hundreds of communications on file in respect of which the authors have been advised that further information would be needed before their communications could be registered for consideration by the Committee. The authors of a considerable number of additional communications have been informed that their cases will not be submitted to the Committee, as they fall clearly outside the scope of the Covenant or appear to be frivolous. Other cases, not yet registered, are

mentioned in section B below. Attention is drawn to the situation set out in paragraphs 392-397 below which gives substantial concern to the Committee.

387. During the sixty-fourth to sixty-sixth sessions, the Committee concluded consideration of 35 cases by adopting Views thereon. These are cases Nos. 574/1994 (Kim v. the Republic of Korea), 590/1994 (Bennett v. Jamaica), 592/1994 (C. Johnson v. Jamaica), 594/1992 (Phillip v. Trinidad and Tobago), 602/1994 (Hoofdman v. Netherlands), 610/1995 (Henry v. Jamaica), 613/1995 (Leehong v. Jamaica), 614/1995 (S. Thomas v. Jamaica), 616/1995 (Hamilton v. Jamaica), 618/1995 (Campbell v. Jamaica), 628/1995 (Park v. the Republic of Korea), 633/1995 (Gauthier v. Canada), 644/1995 (Ajaz and Jamil v. the Republic of Korea), 647/1995 (Pennant v. Jamaica), 649/1995 (Forbes v. Jamaica), 653/1995 (Colin Johnson v. Jamaica), 662/1995 (Lumley v. Jamaica), 663/1995 (Morisson v. Jamaica), 665/1995 (Brown and Parish v. Jamaica), 668/1995 (Smith and Stewart v. Jamaica), 680/1996 (Gallimore v. Jamaica), 699/1996 (Maleki v. Italy), 709/1996 (Bailey v. Jamaica), 710/1996 (Hankle v. Jamaica), 716/1996 (Pauger v. Austria), 719/1996 (Levy v. Jamaica), 720/1996 (Morgan and Williams v. Jamaica), 722/1996 (Fraser and Fisher v. Jamaica), 730/1996 (Marshall v. Jamaica), 752/1997 (Henry v. Trinidad and Tobago), 754/1997 (A. v. New Zealand), 768/1997 (Mukunto v. Zambia), 775/1997 (Brown v. Jamaica), 786/1997 (Vos v. the Netherlands) and 800/1998 (D. Thomas v. Jamaica). The text of the Views in these cases is reproduced in annex XI.

388. The Committee also concluded consideration of 22 cases by declaring them inadmissible. These are cases Nos. 634/1995 (Amore v. Jamaica), 646/1995 (Lindon v. Australia), 669/1995 (Malik v. the Czech Republic), 670/1995 (Schlosser v. the Czech Republic), 673/1995 (Gonzalez v. Trinidad and Tobago), 714/1996 (Gerritsen v. the Netherlands), 717/1996 (Acuña Inostroza v. Chile), 718/1996 (Pérez Vargas v. Chile), 724/1996 (Jakes v. the Czech Republic), 737/1997 (Lamagna v. Australia), 739/1997 (Tovar v. Venezuela), 740/1997 (Barzana Yutronic v. Chile), 741/1997 (Cziklin v. Canada), 742/1997 (Byrne and Lazarescu v. Canada), 744/1997 (Linderholm v. Croatia), 746/1997 (Menanteau v. Chile), 751/1997 (Pasla v. Australia), 784/1997 (Plotnikov v. the Russian Federation), 830/1998 (Bethel v. Trinidad and Tobago), 835/1998 (Berg v. the Netherlands), 844/1997 (Petkov v. Bulgaria) and 850/1999 (Hankala v. Finland). The text of these decisions is reproduced in annex XII.

389. During the period under review, 12 communications were declared admissible for examination on the merits. Decisions declaring communications admissible are not published by the Committee. Procedural decisions were adopted in a number of pending cases (under article 4 of the Optional Protocol or under rules 86 and 91 of the Committee's rules of procedure). The Committee requested the secretariat to take action in other pending cases.

390. The Committee decided to discontinue the consideration of five communications, Nos. 545/1993 (Nielson v. Australia), 681/1996 (Huat v. Australia), 713/1996 (Kravchenko v. Latvia), 723/1996 (Lee-Alexander v. Australia) and 773/1997 (Williams v. New Zealand).

391. Under the Committee's new rules of procedure, in force as of 1 August 1997, the Committee will as a rule decide on the admissibility and merits of a communication together in order to expedite its work under the Optional Protocol. Only in exceptional circumstances will the Committee request

a State party to address admissibility only. A State party which has received a request for information on admissibility and merits may within two months apply for the communication to be rejected as inadmissible. Such a request, however, will not absolve the State party from the requirement to submit information on the merits within the set time limit unless the Committee, its Working Group or its designated Special Rapporteur decides to extend the time for submission of information on the merits until after the Committee has ruled on admissibility. In the period under review, the Committee, acting through its Special Rapporteur on new communications, decided in several cases to deal first with the admissibility of the communication. Communications received before the new rules of procedure came into force will be dealt with under the old rules, according to which admissibility is considered at the first stage.

B. Growth of the Committee's caseload under the Optional Protocol

392. As the Committee has stated in previous reports, the increasing number of States parties to the Optional Protocol and better public awareness of the procedure have led to a growth in the number of communications submitted to the Committee. The table below sets out the pattern of the Committee's work on communications over the last five calender years to 31 December 1998. The table shows that the number of pending cases has increased each year since 1994.

Communications dealt with, 1994-1998

	(1)	(2)	(3)	(4)	(5)
Year to 31 December	New cases registered	Cases concluded a/ 1 January - 31 December	Pending cases at 31 December ((4) + (5))	Pre-admissibl e cases	Admissibl e cases
1998	53	51	163	121	42
1997	60	56	157	113	44
1996	56	35	153	111	42
1995	68	44	132	91	41
1994 b/	37	63	108	75	33

a/ Total number of all cases decided (by the adoption of Views, inadmissibility decisions and cases discontinued).

b/ One additional week for communications was held during the July session owing to the increase in the backlog.

393. The increase in communications is not fully reflected in the number of new cases that have been registered formally under the Optional Protocol, as shown in the above table. That figure would be considerably higher were it not for the fact that many communications, despite having been initially screened, have not yet reached the stage of registration; it is registration that has been delayed for a considerable period, up to a year in some cases. In addition to that delay, other than those considered urgent, there is a growing backlog of

correspondence awaiting reply which relates to matters other than cases for registration. Much of the correspondence goes back to 1998.

394. The Committee has already addressed the reasons for these delays in its previous report. The problems are summarized below and the urgency of finding a solution to this continuing failure in the system is emphasized.

395. The essence of the problem is that:

(a) The number of communications has increased in absolute terms;

(b) The number of Professional staff dealing with communications has decreased in each of the last three years;

(c) While this reduced staff has continued to process cases (of ever-increasing complexity) so that a sufficient number is available for the Committee's consideration at every session, the overall result has been an increase in the backlog of unprocessed communications;

(d) An increasing number of cases are being submitted in languages which are not available among the available Professional staff, in particular Russian.

396. There has been at the same time a further reduction in the ability of staff to find resources and personnel to support the Committee's attempts to follow up on cases where violations have been found: there are now 253 cases where follow-up is desirable.

397. The Committee emphasizes that in accordance with article 36 of the Covenant, it shall be guaranteed the necessary resources for the effective performance of all its functions, including the consideration of communications, and that it has a particular need for staff experienced in the various legal systems and with knowledge of the languages of States parties to the Optional Protocol.

C. Approaches to examining communications under the Optional Protocol

1. Special Rapporteur on new communications

398. At its thirty-fifth session, the Committee decided to designate a Special Rapporteur to process new communications as they were received, i.e. between sessions of the Committee. Mr. Pocar was Special Rapporteur from the Committee's fifty-third session in 1995 to its sixty-fifth session in March 1999, when Mr. Kretzmer was designated Special Rapporteur. In the period covered by the present report, the Special Rapporteur transmitted 44 new communications to the States parties concerned under rule 91 of the Committee's rules of procedure, requesting information or observations relevant to the questions of admissibility and merits. In 10 cases, the Special Rapporteur issued requests for interim measures of protection pursuant to rule 86 of the Committee's rules of procedure. The competence of the Special Rapporteur to issue, and if necessary to withdraw, requests for interim measures under rule 86 of the rules of procedure is described in the 1997 annual report. [12]

3. Competence of the Working Group on Communications

399. At its thirty-sixth session, the Committee decided to authorize the Working Group on Communications to adopt decisions declaring communications admissible when all five members so agreed. Failing such agreement, the Working Group would refer the matter to the Committee. It could also do so whenever it believed that the Committee itself should decide the question of admissibility. While the Working Group could not adopt decisions declaring communications inadmissible, it might make recommendations in that respect to the Committee. Pursuant to those rules, the Working Group on Communications that met prior to the sixty-fourth, sixty-fifth and sixty-sixth sessions of the Committee declared 12 communications admissible.

400. At its fifty-fifth session, the Committee decided that each communication would be entrusted to a member of the Committee, who would act as rapporteur for it in the Working Group and in the plenary Committee. The role of the rapporteur is described in the 1997 report.

D. Individual opinions

401. In its work under the Optional Protocol, the Committee strives to arrive at its decisions by consensus. However, pursuant to rule 94, paragraph 4, of the Committee's rules of procedure, members can add their individual concurring or dissenting opinions to the Committee's Views. Pursuant to rule 92, paragraph 3, members can append their individual opinions to the Committee's decisions declaring communications inadmissible.

402. During the period under review, individual opinions were appended to the Committee's Views in cases Nos. 574/1994 (Kim v. the Republic of Korea), 592/1994 (Johnson v. Jamaica), 602/1994 (Hoofdman v. the Netherlands), 610/1995 (Henry v. Jamaica), 614/1995 (S. Thomas v. Jamaica), 633/1995 (Gauthier v. Canada), 662/1995 (Lumley v. Jamaica), 680/1996 (Gallimore v. Jamaica), 709/1996 (Bailey v. Jamaica), 710/1996 (Hankle v. Jamaica), 720/1996 (Morgan and Williams v. Jamaica), 754/1997 (A. v. New Zealand), 775/1997 (Brown v. Jamaica) and 800/1998 (D. Thomas v. Jamaica). Individual opinions were also appended to the Committee's decisions declaring inadmissible communications Nos. 669/1995 (Malik v. the Czech Republic), 670/1995 (Schlosser v. the Czech Republic), 717/1996 (Acuña Inostroza v. Chile), 718/1996 (Pérez Vargas v. Chile), 724/1996 (Jakes v. the Czech Republic), 746/1997 (Menanteau v. Chile) and 830/1998 (Bethel v. Trinidad and Tobago).

E. Issues considered by the Committee

403. A review of the Committee's work under the Optional Protocol from its second session in 1977 to its sixty-third session in 1998 can be found in the Committee's annual reports for 1984 to 1998, which, inter alia, contain summaries of the procedural and substantive issues considered by the Committee and of the decisions taken. The full texts of the Views adopted by the Committee and of its decisions declaring communications inadmissible under the Optional Protocol are reproduced in annexes to the Committee's annual reports to the General Assembly.

404. Two volumes containing selected decisions of the Human Rights Committee under the Optional Protocol, from the second to the sixteenth sessions (1977-1982) and from the seventeenth to the thirty-second sessions (1982-1988), have been published (CCPR/C/OP/1 and 2). The publication of volume 3 of the selected decisions, covering the period from the thirty-third to the thirty-ninth sessions, is expected shortly. As domestic courts increasingly apply the standards contained in the International Covenant on Civil and Political Rights, it is imperative that the Committee's decisions are available on a worldwide basis. In this connection, the Committee notes with appreciation that its recent decisions are now available on the Website of the Office of the High Commissioner for Human Rights (www.unhchr.ch).

405. The following summary reflects further developments concerning issues considered during the period covered by the present report.

1. Procedural issues

(a) Standing of the author (Optional Protocol, art. 1)

406. Under article 1 of the Optional Protocol, the Committee can only consider communications from individuals who claim to be themselves victims of a violation of the Covenant. Communications can also be accepted if they come from duly authorized representatives or close relatives of the alleged victim if the victim him- or herself is not in a position to present the communication. In case No. 646/1995 (Lindon v. Australia), the author claimed to represent also other persons. Since he had failed to present an authorization, this part of his communication was declared inadmissible under article 1 of the Optional Protocol. Part of communication No. 740/1997 (Barzana Yutronic v. Chile) was also declared inadmissible for this reason.

407. A similar situation exists when the person presenting the communication to the Committee cannot claim to be a victim of a violation of a Covenant right. Communication No. 714/1996 (Gerritsen v. the Netherlands) was declared inadmissible on this ground. Part of case No. 646/1995 (Lindon v. Australia) was also declared inadmissible for this reason.

408. Case No. 737/1997 (Lamagna v. Australia) was declared inadmissible ratione personae, since the alleged violation was committed against the author's company, which had its own legal personality, and not against the author as an individual.

(b) Inadmissibility ratione temporis (Optional Protocol, art. 1)

409. Under article 1 of the Optional Protocol, the Committee may only receive communications concerning alleged violations of the Covenant which occurred after the entry into force of the Covenant and the Optional Protocol for the State party concerned, unless continuing effects exist which in themselves constitute a violation of a Covenant right. One of the claims in case No. 646/1995 (Lindon v. Australia) was declared inadmissible on this ground, since the claim referred to events before the entry into force of the Optional Protocol for Australia and no continuing effects existed.

410. In three cases against Chile (717/1996 Acuña Inostroza, 718/1996 Pérez Vargas, 746/1997 Menanteau), the complaints concerned the disappearance and death of persons before the entry into force of the Covenant. Although there were judgements by the Supreme Court of Chile in the 1990s in relation to the discontinuation of the investigations into the events leading to the disappearance, the Committee considered that the Supreme Court judgements could not be regarded as new events that could affect the rights of the persons killed. The communications were thus declared inadmissible ratione temporis. Several members of the Committee appended dissenting individual opinions.

(c) Claim not substantiated (Optional Protocol, art. 2)

411. Article 2 of the Optional Protocol provides that "individuals who claim that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit a written communication to the Committee for consideration".

412. Although an author does not need to prove the alleged violation at the admissibility stage, he must submit sufficient evidence substantiating his allegation for purposes of admissibility. A "claim" is, therefore, not just an allegation, but an allegation supported by a certain amount of substantiating evidence. In cases where the Committee finds that the author has failed to substantiate a claim for purposes of admissibility, the Committee has held the communication inadmissible, in accordance with rule 90 (b) of its rules of procedure.

413. Cases declared inadmissible, inter alia for lack of substantiation of the claim or failure to advance a claim, are communications Nos. 634/1995 (Amore v. Jamaica), 646/1995 (Lindon v. Australia), 669/1995 (Malik v. the Czech Republic), 670/1995 (Schlosser v. the Czech Republic), 673/1995 (Gonzales v. Trinidad and Tobago), 718/1996 (Pérez Vargas v. Chile), 737/1997 (Lamagna v. Australia), 740/1997 (Barzana Yutronic v. Chile), 742/1997 (Byrne and Lazarescu v. Canada), 784/1997 (Plotnikov v. the Russian Federation), 835/1998 (Van den Berg v. the Netherlands), 844/1998 (Petkov v. Bulgaria) and 850/1999 (Hankala v. Finland).

(d) Claims not compatible with the provisions of the Covenant (Optional Protocol, art. 3)

414. Communications must raise an issue concerning the application of the Covenant. Despite previous attempts to explain that the Committee cannot function under the Optional Protocol as an appellate body where the issue is one of domestic law, some communications continue to be based on such a misapprehension; such cases, as well as those where the facts presented do not raise issues under the articles of the Covenant invoked by the author, are declared inadmissible under article 3 of the Optional Protocol as incompatible with the provisions of the Covenant.

415. Cases declared inadmissible, inter alia for incompatibility with the provisions of the Covenant, are communications Nos. 724/1996 (Jakes v. the Czech Republic) and 830/1998 (Bethel v. Trinidad and Tobago).

(e) Examination under another procedure of international investigation or settlement (Optional Protocol, art. 5, para. 2 (a))

416. Under article 5, paragraph 2 (a), of the Optional Protocol, the Committee shall not consider any communication when the same matter is being examined under another procedure of international investigation or settlement. In case No. 744/1997 (Linderholm v. Croatia), the European Commission on Human Rights has rejected, on 22 October 1998, the author's application concerning the same facts and issues as were before the Committee. The Republic of Croatia, when acceding to the Optional Protocol, had made a declaration with respect to article 5, paragraph 2 (a), of the Optional Protocol to the effect that the Committee shall not have competence to consider a communication from an individual if the same matter has already been examined under another procedure of international investigation or settlement. On that basis, the Committee was precluded from considering the communication.

(f) The requirement of exhaustion of domestic remedies (Optional Protocol, art. 5, para. 2 (b))

417. Pursuant to article 5, paragraph 2 (b), of the Optional Protocol, the Committee shall not consider any communication unless it has ascertained that the author has exhausted all available domestic remedies. However, the Committee has already established that the rule of exhaustion applies only to the extent that those remedies are effective and available. The State party is required to give "details of the remedies which it submitted had been available to the author in the circumstances of his case, together with evidence that there would be a reasonable prospect that such remedies would be effective" (case No. 4/1977 (Torres Ramírez v. Uruguay)). The rule also provides that the Committee is not precluded from examining a communication if it is established that the application of the remedies in question is unreasonably prolonged. In certain cases, a State party may waive before the Committee the requirement of exhaustion of domestic remedies.

418. In the period covered by the present report, cases Nos. 646/1995 (Lindon v. Australia), 669/1995 (Malik v. the Czech Republic), 670/1995 (Schlosser v. the Czech Republic), 718/1996 (Pérez Vargas v. Chile), 724/1996 (Jakes v. the Czech Republic), 741/1997 (Cziklin v. Canada) and 751/1997 (Pasla v. Australia) were declared inadmissible, inter alia, for failure to pursue available and effective domestic remedies.

(g) Interim measures under rule 86

419. Under rule 86 of the Committee's rules of procedure, the Committee may, after receipt of a communication and before adopting its Views, request a State party to take interim measures in order to avoid irreparable damage to the victim of the alleged violations. The Committee has applied this rule on several occasions, mostly in cases submitted by or on behalf of persons who have been sentenced to death and are awaiting execution and who claim that they were denied a fair trial. In view of the urgency of the communications, the Committee has requested the States parties concerned not to carry out the death sentences while the cases are under consideration. Stays of execution have specifically been granted in this connection. Rule 86 has also been applied in other circumstances, for instance in cases of imminent deportation or

extradition which may involve or expose the author to a real risk of violation of rights protected by the Covenant. For the Committee's reasoning on whether or not to issue a request under rule 86, see the Committee's Views in communication No. 558/1993 (Canepa v. Canada).

420. In the period under review, the Committee faced a failure to comply with its request under rule 86 in two instances:

(a) Cases Nos. 839/1998, 840/1998 and 841/1998 (Kandu-Bo et al. v. Sierra Leone). Despite the Committee's requests of 13 and 14 October 1998 to stay the execution of the authors of the communication, 12 of them were executed by the State party on 19 October 1998. In a decision, adopted on 4 November 1998, the Committee expressed its indignation at the State party's failure to comply with its request for interim measures of protection and requested the State party to present a report relating to the application of articles 6, 7 and 14 of the Covenant. As at the date of the present report no reply from the State party had been received. (The text of the decision is reproduced in annex X.); and

(b) Case No. 869/1999 (Piandiong et al. v. Philippines). Despite the Committee's request of 23 June 1999 to stay the execution of the authors of the communication, they were executed by the State party on 8 July 1999. The Committee wrote to the State party on 14 July 1999 demanding, within one week, clarification about the circumstances surrounding the executions. On 16 July, the Permanent Mission of the State party responded that the Committee's request had been submitted to the capital for appropriate response and that pending receipt of this response the Chargé d'affaires of the Permanent Mission was ready to meet with the Committee or its representative. On 21 July, the Chargé d'affaires met with the Vice-Chairperson of the Committee, Ms. Evatt, and the Special Rapporteur for new communications, Mr. Kretzmer. The Vice-Chairperson and the Special Rapporteur expressed the Committee's deep concern at the non-compliance by the State party with the request under rule 86. The Chargé d'affaires repeated that his Government would be providing a full response.

2. Substantive issues

421. Under the Optional Protocol, the Committee bases its Views on all written information made available by the parties. This implies that if a State party does not provide an answer to an author's allegations, the Committee will give due weight to an author's uncontested allegations as long as they are substantiated. In the period under review, this happened, inter alia, in cases Nos. 610/1995 (Nicholas Henry v. Jamaica), 647/1995 (Pennant v. Jamaica), 663/1995 (McCordie Morrison v. Jamaica), 752/1997 (Allan Henry v. Trinidad and Tobago) and 800/1998 (D. Thomas v. Jamaica).

(a) Right to life (Covenant, art. 6)

422. Article 6, paragraph 2, provides that a sentence of death may be imposed only for the most serious crimes and if not contrary to the provisions of the Covenant. Thus, a nexus is established between the imposition of a sentence of death and observance by State authorities of guarantees under the Covenant. Accordingly, in cases where the Committee found that the State party had violated article 14 of the Covenant, in that the complainant had been denied a

fair trial and appeal, the Committee held that the imposition of the sentence of death also entailed a violation of article 6. Having concluded that the final sentence of death had been imposed after a trial that failed to comply fully with the requirements of article 14, the Committee found that the right protected by article 6 had been violated in cases Nos. 594/1992 (Irving Phillip v. Trinidad and Tobago), 663/1995 (McCordie Morrison v. Jamaica), 719/1996 (Conroy Levy v. Jamaica), 730/1996 (Clarence Marshall v. Jamaica) and 775/1997 (Christopher Brown v. Jamaica).

423. Article 6, paragraph 5, prohibits the imposition of the death sentence for crimes committed by persons below 18 years of age. In case No. 592/1994 (Clive Johnson v. Jamaica), the author presented a birth certificate to show that he had been under 18 years of age when the crime for which he was convicted was committed. The Committee found that the imposition of the death sentence upon him constituted a violation of article 6, paragraph 5, of the Covenant.

(b) The right not to be subjected to torture or to cruel, inhuman or degrading treatment (Covenant, art. 7)

424. Article 7 of the Covenant provides that no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.

425. In case No. 653/1995 (Colin Johnson v. Jamaica) the complainant, who was detained on death row, had given a detailed account of how he had been beaten by warders, denied medical attention and received threats against his life. The State party had failed to forward the outcome of investigations to the Committee, and the Committee found that a violation of article 7 had occurred.

426. Similar findings were made in cases Nos. 592/1994 (Clive Johnson v. Jamaica), 610/1995 (Nicholas Henry v. Jamaica), 613/1995 (Leehong v. Jamaica), 647/1995 (Wilfred Pennant v. Jamaica), 663/1995 (McCordie Morrison v. Jamaica) and 752/1997 (Allan Henry v. Trinidad and Tobago). In cases Nos. 668/1995 (Smith and Stewart v. Jamaica) and 775/1997 (Christopher Brown v. Jamaica) the Committee found violations of article 7 for lack of medical treatment to prisoners on death row.

427. In its jurisprudence regarding claims that a prolonged stay on death row constitutes cruel, inhuman and degrading treatment, the Committee has consistently held that the facts and circumstances of each case must be examined to see whether an issue under article 7 arises and that, in the absence of further compelling circumstances, prolonged judicial proceedings do not per se constitute that kind of treatment. In the period under review, this jurisprudence was confirmed by the Committee in cases Nos. 610/1995 (Nicolas Henry v. Jamaica), 618/1995 (Barrington Campbell v. Jamaica), 649/1995 (Winston Forbes v. Jamaica) and 775/1997 (Christopher Brown v. Jamaica).

428. In case No. 647/1995 (Wilfred Pennant v. Jamaica), while referring to its jurisprudence, the Committee found that the complainant had been a victim of a violation of article 7 because he was put in an execution cell for two weeks after a warrant of execution was read to him, before being returned to death row where he spent another two years. Since the State party could not provide any adequate explanation as to why he had been put in an execution cell for such a long period, the Committee found that a breach of article 7 had occurred.

429. In case No. 592/1994 (Clive Johnson v. Jamaica), the complainant had been sentenced to death in violation of article 6, paragraph 5, of the Covenant, since he was under 18 years of age when the crime for which he was convicted was committed. The Committee considered that because the imposition of the death sentence upon him had been void ab initio, his detention on death row constituted a violation of article 7 of the Covenant.

(c) Liberty and security of person (Covenant, art. 9)

430. Paragraph 1 of article 9 provides for the right to liberty and security of person. In case No. 613/1995 (Leehong v. Jamaica), the complainant was shot by the police before being arrested and no information was provided by the State party about the outcome of investigations into the matter. The Committee found that the complainant's right to security of person had been violated.

431. Paragraph 2 of article 9 provides that anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him. In case No. 663/1995 (McCordie Morrison v. Jamaica), the applicant was informed of the charges against him nine days after his arrest. The Committee found this constituted a violation of article 9, paragraph 2.

432. Article 9, paragraph 3, provides, inter alia, that anyone arrested on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power. The Committee found violations of this provision in cases Nos. 590/1994 (Trevor Bennett v. Jamaica), 613/1995 (Leehong v. Jamaica), 647/1995 (Wilfred Pennant v. Jamaica), 649/1995 (Winston Forbes v. Jamaica), 663/1995 (McCordie Morrison v. Jamaica), and 730/1996 (Clarence Marshall v. Jamaica).

433. Article 9, paragraph 3, provides also that anyone detained on a criminal charge shall be entitled to trial within a reasonable time or to release. The Committee found a violation of this provision in cases Nos. 616/1995 (Hamilton v. Jamaica) (33 months between arrest and trial), 665/1995 (Brown and Parish v. Jamaica) (31 months between arrest and trial) and 775/1997 (Christopher Brown v. Jamaica) (23 months of pre-trial detention).

(d) Treatment during imprisonment (Covenant, art. 10)

434. Article 10, paragraph 1, prescribes that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. The Committee found that the conditions under which prisoners were held amounted to a violation of article 10, paragraph 1, in cases Nos. 590/1994 (Trevor Bennett v. Jamaica), 594/1992 (Irving Phillip v. Trinidad and Tobago), 610/1995 (Nicholas Henry v. Jamaica), 613/1995 (Leehong v. Jamaica), 616/1995 (Hamilton v. Jamaica), 618/1995 (Barrington Campbell v. Jamaica), 647/1995 (Wilfred Pennant v.Jamaica), 649/1995 (Winston Forbes v. Jamaica), 653/1995 (Colin Johnson v. Jamaica), 663/1995 (McCordie Morrison v. Jamaica), 668/1995 (Smith and Stewart v. Jamaica, 719/1996 (Conroy Levy v. Jamaica), 720/1996 (Morgan and Williams v. Jamaica), 730/1996 (Clarence Marshall v. Jamaica), 752/1997 (Allan Henry v. Trinidad and Tobago) and 775/1997 (Christopher Brown v. Jamaica).

435. Paragraph 2 (a) of article 10 provides that accused persons shall be segregated from convicted persons. In case No. 663/1995 (McCordie Morrison v. Jamaica) the author claimed that he had been held with convicted prisoners during his pre-trial detention, which lasted almost a year. The State party not having denied the allegation, the Committee found that a violation of article 10, paragraph 2 (a), had occurred.

436. Paragraph 2 (b) of article 10 provides that accused juvenile persons shall be separated from adults, and paragraph 3 that juvenile offenders shall be segregated from adults. In case No. 800/1998 (Damian Thomas v. Jamaica) the State party did not refute that the author was 15 years of age when sentenced and that he was kept among adults both during pre-trial detention and after conviction. Consequently, the Committee found a violation of article 10, paragraphs 2 (b) and 3.

(e) Guarantees of a fair trial (Covenant, art. 14)

437. Article 14, paragraph 1, provides for the right to equality before the courts and the right to a fair and public hearing by a competent, independent and impartial tribunal established by law. In case No. 752/1997 (Allan Henry v. Trinidad and Tobago), the Committee recalled that the determination of rights in the Constitutional Court must conform with the requirements of a fair hearing in accordance with article 14, paragraph 1, and that legal assistance must be provided free of charge where a person seeking constitutional review of irregularities in a criminal trial has insufficient means to meet the costs of legal assistance in order to pursue his constitutional remedy and where the interests of justice so require. In the case under examination, the issue which the complainant wished to bring in the constitutional motion was the question of whether his execution, the conditions of his detention or the length of his stay on death row amounted to cruel punishment. The Committee considered that:

> "although article 14, paragraph 1, does not expressly require States parties to provide legal aid outside the context of the criminal trial, it does create an obligation for States to ensure to all persons equal access to courts and tribunals. The Committee considers that in the specific circumstances of the author's case, taking into account that he was in detention on death row, that he had no possibility to present a constitutional motion in person, and that the subject of the constitutional motion was the constitutionality of his execution, that is, directly affected his right to life, the State party should have taken measures to allow the author access to court, for instance through the provision of legal aid. The State party's failure to do so, was therefore in violation of article 14, paragraph 1" (annex XI, sect. DD, para. 7.6).

438. In case No. 768/1997 (Mukunto v. Zambia), the author had submitted a claim for compensation for unlawful detention in 1982, which had still not been determined by 1999. The Committee found that this amounted to a violation of article 14, paragraph 1.

439. In cases Nos. 719/1996 (Conroy Levy v. Jamaica) and 720/1996 (Morgan and Williams v. Jamaica), the question was raised whether the reclassification of the complainants' offence as capital murder, by a single judge under the procedure established by the Offences against the Persons (Amendment) Act 1992,

violated article 14 because the procedural safeguards of article 14 were not guaranteed (no representation, no public hearing). The Committee observed that after the single judge found that the offence was of a capital nature, the convict was notified and granted the right to appeal the decision to a three-judge panel. The Committee was of the opinion that the reclassification of an offence for a convict already subject to a death sentence was not a "determination of a criminal charge" within the meaning of article 14 of the Covenant, and that consequently the guarantees of article 14, paragraph 3, did not apply. It was undisputed that all safeguards established by article 14, paragraph 1, were respected in the hearing before the three judges and the Committee found that the fact that the hearing was preceded by a screening exercise performed by a single judge in order to expedite the reclassification did not constitute a violation of article 14.

440. In cases Nos. 680/1996 (Gallimore v. Jamaica) and 709/1996 (Bailey v. Jamaica), at issue was again the reclassification procedure, but this time in cases where the single judge determined that the offence was of a non-capital nature. After reclassification of the offence, the judge set the length of a non-parole period (15 and 20 years respectively), without hearing the applicants and without giving reasons. The Committee noted that the judge exercises discretionary power when fixing the non-parole period and makes a decision which is separate from the decision on pardon and forms an essential part of the determination of a criminal charge. Consequently, the Committee found that not giving the applicants an opportunity to make any submissions prior to the judge's decision constituted a violation of article 14, paragraphs 1 and 3 (d).

441. Article 14, paragraph 3 (b), provides that, in the determination of any criminal charge, the accused is entitled to have adequate time and facilities to prepare his defence and to communicate with counsel of his own choosing. In the period under review, the Committee found violations of this provision in case No. 594/1992 (Irving Phillip v. Trinidad and Tobago).

442. Article 14, paragraph 3 (c), gives every accused person the right to be tried without undue delay. Violations of this provision were found in cases Nos. 590/1994 (Trevor Bennett v. Jamaica) (two years and three months between conviction and the dismissal of the appeal), 614/1995 (Samuel Thomas v. Jamaica) (23 months from conviction to hearing of appeal), 616/1995 (Hamilton v. Jamaica) (31 months between arrest and trial), 663/1995 (McCordie Morrison v. Jamaica) (two years and four months between conviction and the hearing of the appeal), 665/1995 (Brown and Parish v. Jamaica) (31 months between arrest and trial and 28 months between conviction and hearing of appeal), 668/1995 (Smith and Stewart v. Jamaica) (25 months between conviction and the dismissal of the appeal) and 775/1997 (Christopher Brown v. Jamaica) (23 months between arrest and trial).

443. Paragraph 3 (d) of article 14 provides that everyone is entitled to be tried in his presence and to defend himself in person or through legal assistance, which should be provided free of charge where the interests of justice so require. In case No. 663/1995 (McCordie Morrison v. Jamaica), counsel for the accused had conceded at the appeal hearing that his client's case had no merit. The Committee considered that under article 14, paragraph 3 (d), the court should ensure that the conduct of a case by a lawyer is not incompatible with the interests of justice. In a capital case, when counsel for the accused concedes that there is no merit in the appeal, the court

should ascertain whether counsel has consulted with the accused and informed him accordingly. If not, the court must ensure that the accused is so informed and given an opportunity to engage other counsel. In the circumstances, the Committee found a violation of article 14, paragraph 3 (d). Similar violations were found in cases Nos. 662/1995 (Peter Lumley v. Jamaica) and 668/1995 (Smith and Stewart v. Jamaica).

444. Violations of article 14, paragraph 3 (d), in respect of the absence of legal representation at the preliminary hearing were found in cases Nos. 592/1994 (Clive Johnson v. Jamaica), 680/1996 (Gallimore v. Jamaica), 709/1996 (Bailey v. Jamaica), 719/1996 (Conroy Levy v. Jamaica), 730/1996 (Clarence Marshall v. Jamaica) and 775/1997 (Christopher Brown v. Jamaica). In case No. 775/1997, the Committee also found a violation because of counsel's absence during the judge's summing-up at the trial. A violation of article 14, paragraph 3 (d), was also found in case No. 594/1992 (Irving Phillip v. Trinidad and Tobago).

445. In case No. 699/1996 (Maleki v. Italy), the author was tried *in absentia*, and after having been apprehended, he was not granted a retrial. The State party, upon becoming a party to the Covenant, had made a declaration that "[T]he provisions of article 14, paragraph 3 (d), are deemed to be compatible with existing Italian provisions governing trial of the accused in his presence and determining the cases in which the accused may present his own defence and those in which legal assistance is required". The Committee considered that the declaration only dealt with article 14, paragraph 3 (d), and that under article 14, paragraph 1, basic requirements of fair trial must be maintained, even when a trial *in absentia* is not in itself in violation of the State party's undertakings. The Committee recalled that a trial *in absentia* is compatible with article 14 only when the accused was summoned in a timely manner and informed of the proceedings against him. In the case before it, the Committee found that there was no evidence that this had happened, and accordingly the Committee found that a violation of article 14, paragraph 1, had occurred.

(f) The right to freedom of opinion and freedom of expression (Covenant, art. 19)

446. Article 19 provides for the right to freedom of opinion and expression. According to paragraph 3 of article 19 these rights may only be restricted as provided by law and when necessary for respect of the rights or reputations of others or for the protection of national security or public order (ordre public), or of public health or morals.

447. In case No. 574/1994 (Keun-Tae Kim v. Republic of Korea), the complainant had been convicted under the National Security Law for having read out and distributed printed material coinciding with the policy statements of the Democratic People's Republic of Korea, a country with which the Republic of Korea was in a state of war. The policies of the Democratic People's Republic of Korea were well known within the territory of the Republic of Korea and the Committee found that there was no indication that the courts had considered whether the complainant's actions had any additional effect upon the public such as to threaten public security, the protection of which would justify restriction within the terms of the Covenant as being necessary. On this basis, the Committee considered that the State party had failed to specify the precise

nature of the threat allegedly posed by the author's exercise of freedom of expression and that it had not provided specific justifications as to why it was necessary for reasons of national security to prosecute the author. One Committee member appended a dissenting opinion to the Committee's Views.

448. In case No. 628/1995 (Tae Hoon Park v. Republic of Korea), the complainant had been convicted for his activities as a member of the Young Koreans United during his stay in the United States of America from 1983 to 1989 when he had expressed support for certain political positions which were considered by the State party to benefit the Democratic People's Republic of Korea, in violation of the National Security Law. The Committee considered:

> "The right to freedom of expression is of paramount importance in any democratic society, and any restrictions to the exercise of this right must meet a strict test of justification. While the State party has stated that the restrictions were justified in order to protect national security and that they were provided for by law, under article 7 of the National Security Law, the Committee must still determine whether the measures taken against the author were necessary for the purpose stated. The Committee notes that the State party has invoked national security by reference to the general situation in the country and the threat posed by 'North Korean communists'. The Committee considers that the State party has failed to specify the precise nature of the threat which it contends that the author's exercise of freedom of expression posed and finds that none of the arguments advanced by the State party suffice to render the restriction of the author's right to freedom of expression compatible with paragraph 3 of article 19. The Committee has carefully studied the judicial decisions by which the author was convicted and finds that neither those decisions nor the submissions by the State party show that the author's conviction was necessary for the protection of one of the legitimate purposes set forth by article 19 (3). The author's conviction for acts of expression must therefore be regarded as a violation of the author's right under article 19 of the Covenant" (annex X, sect. K, para. 10.3).

449. The right to freedom of expression also includes the right to seek, receive and impart information. In case No. 633/1995 (Gauthier v. Canada), the complainant was an independent journalist and publisher who had been denied full membership in the Canadian Press Gallery, a private association of journalists. Only members of this association were given access to the media facilities of Parliament, including the press gallery in Parliament, the only place where the public is allowed to take notes during parliamentary proceedings. The State party argued that the restrictions were justified to achieve a balance between the right to freedom of expression and the need to ensure the effective and dignified operation of Parliament and the safety and security of its members. The Committee agreed that the protection of parliamentary procedure could be seen as a legitimate goal of public order and that an accreditation system could be a justified means of achieving that goal. It considered, however, that:

> "since the accreditation system operates as a restriction of article 19 rights, its operation and application must be shown as necessary and proportionate to the goal in question and not arbitrary. The Committee does not accept that this is a matter exclusively for the State to

determine. The relevant criteria for the accreditation scheme should be specific, fair and reasonable, and their application should be transparent. In the instant case, the State party has allowed a private organization to control access to the parliamentary press facilities, without intervention. The scheme does not ensure that there will be no arbitrary exclusion from access to the parliamentary media facilities. In the circumstances, the Committee is of the opinion that the accreditation system has not been shown to be a necessary and proportionate restriction of rights within the meaning of article 19, paragraph 3, of the Covenant, in order to ensure the effective operation of Parliament and the safety of its members. Denying the author access to the press facilities of Parliament because he was not a member of the Canadian Press Gallery Association therefore constitutes a violation of article 19 (2) of the Covenant" (annex X, sect. L, para. 11.6).

(g) Special protection as a minor (Covenant, art. 24)

450. Article 24 of the Covenant provides, inter alia, that every child shall have the right to such measures of protection as are required by his status as a minor. In case No. 800/1998 (Damian Thomas v. Jamaica), the Committee found that this provision had been breached by the State party since it had imprisoned the complainant, who was 15 years of age at the time of his conviction, together with adults.

(h) The right to equality before the law and the prohibition of discrimination (Covenant, art. 26)

451. In case No. 716/1996 (Pauger v. Austria), the complainant had received a lump-sum payment for his widower's pension. The payment was partly calculated on the basis of a reduced pension, since widowers did not have the right to the same amount of pension as widows. Upholding its Views in case No. 415/1990, the Committee found that this constituted a violation of article 26.

452. In case No. 602/1994 (Hoofdman v. The Netherlands), the complainant was not entitled to a temporary widower's benefit, because he had not been married to his partner. He claimed discrimination on the basis of marital status. The Committee noted that under Dutch law the legal status of marriage provided for certain benefits and certain duties and responsibilities, and that it had been the free choice of the complainant not to enter into marriage, as a consequence of which he did not receive the full benefits provided for by law to married persons. The Committee concluded that this differentiation did not constitute discrimination within the meaning of article 26 of the Covenant.

453. In case No. 786/1997 (Vos v. The Netherlands), the complainant, a married male former civil servant, with a pension accrued before 1985, received a civil service pension which was lower than that of a married female former civil servant whose pension accrued at the same date. The Committee found that this constituted a violation of article 26.

F. Remedies called for under the Committee's Views

454. After the Committee has made a finding on the merits - its "Views" under article 5, paragraph 4, of the Optional Protocol - of a violation of a provision

of the Covenant, it proceeds to ask the State party to take appropriate steps to remedy the violation, such as commutation of sentence, release, or providing adequate compensation for the violations suffered. When recommending a remedy, the Committee observes that:

> "Bearing in mind that, by becoming a party to the Optional Protocol, the State party has recognized the competence of the Committee to determine whether there has been a violation of the Covenant or not and that, pursuant to article 2 of the Covenant, the State party has undertaken to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant and to provide an effective and enforceable remedy in case a violation has been established, the Committee wishes to receive from the State party, within 90 days, information about the measures taken to give effect to the Committee's Views."

455. The compliance by States with these requests for information is monitored by the Committee through its follow-up procedure, as described in chapter VII of the present report.

VII. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

456. From its seventh session in 1979, to its sixty-sixth in July 1999, the Human Rights Committee has adopted 328 Views on communications received and considered under the Optional Protocol. The Committee found violations in 253 of them.

457. During its thirty-ninth session (July 1990), the Committee established a procedure whereby it could monitor the follow-up to its Views under article 5, paragraph 4, and it created the mandate of a Special Rapporteur for the follow-up on Views. [4] At the Committee's sixty-fifth session, Mr. Pocar assumed the duties of Special Rapporteur for the follow-up on Views.

458. The Special Rapporteur began to request follow-up information from States parties in 1991. Follow-up information has been systematically requested in respect of all Views with a finding of a violation of the Covenant. At the beginning of the Committee's sixty-sixth session, follow-up information had been received in respect of 152 Views. No information had been received in respect of 84 Views. In nine cases, the deadline for receipt of follow-up information had not yet expired. In many instances, the secretariat has also received information from authors to the effect that the Committee's Views had not been implemented. Conversely, in some rare instances, the author of a communication has informed the Committee that the State party had given effect to the Committee's recommendations, although the State party had not itself provided that information.

459. Attempts to categorize follow-up replies are necessarily imprecise. Roughly 30 per cent of the replies received could be considered satisfactory in that they display the State party's willingness to implement the Committee's Views or to offer the applicant an appropriate remedy. Many replies simply indicate that the victim has failed to file a claim for compensation within statutory deadlines and that no compensation can therefore be paid to the victim. Other replies cannot be considered satisfactory because they either do not address the Committee's recommendations at all or merely relate to one aspect of them. Follow-up replies, noted in the list as "unpublished", are available from the secretariat.

460. The remainder of the replies either explicitly challenge the Committee's findings, on either factual or legal grounds, constitute much-belated submissions on the merits of the case, promise an investigation of the matter considered by the Committee or indicate that the State party will not, for one reason or another, give effect to the Committee's recommendations.

461. The Committee's previous report (A/53/40) contained a detailed country-by-country breakdown of follow-up replies received or requested and outstanding as of 30 June 1998. The list that follows shows the additional cases in respect of which follow-up information has been requested from States (Views in which the deadline for receipt of follow-up information had not yet expired have not been included). It also indicates those cases in which replies are outstanding. In many of these cases there has been no change since the last report. This is because the resources available for the Committee's work have been considerably reduced preventing it from undertaking a comprehensive systematic follow-up programme.

Argentina:	One decision finding violations: see A/51/40, para. 455.
Australia:	Two Views finding violations: 488/1992 - Toonen (A/49/40); for follow-up reply, see A/51/40, para. 456; the laws in question have now been repealed; 560/1993 - A. (A/52/40); for State party's follow-up reply, dated 16 December 1997, see A/53/40, para. 491.
Austria:	One decision finding violations: see A/52/40, para. 524.
Bolivia:	Two Views finding violations: see A/52/40, para. 524.
Cameroon:	One decision finding violations: 458/1991 - Mukong (A/49/40); State party follow-up reply remains outstanding. See A/52/40, paras. 524, 532.
Canada:	Six Views finding violations: 24/1977 - Lovelace (Selected Decisions, vol. 1); for State party's follow-up reply, see Selected Decisions, vol. 2, annex I; 27/1978 - Pinkney (in Selected Decisions, vol. 1); no follow-up reply received; 167/1984 - Ominayak (A/45/40); follow-up reply, dated 25 November 1991, unpublished; 359/1989 and 385/1989 - Ballantyne and Davidson, and McIntyre (A/48/40); follow-up reply, dated 2 December 1993, unpublished; 469/1991 - Ng (A/49/40); follow-up reply, dated 3 October 1994, unpublished.
Central African Republic:	One decision finding violations: see A/51/40, para. 457.
Colombia:	Nine Views finding violations: for first eight cases see A/51/40, paras. 439-441, and A/52/40, paras. 533-535; 612/1995 - Arhuacos (A/52/40); no follow-up reply.
Czech Republic:	Two Views finding violations: 516/1992 - Simunek et al. (A/50/40); 586/1994 - Adam (A/51/40). For State party's follow-up replies, see A/51/40, para. 458. One author (in Simunek) has confirmed that the Committee's recommendations were implemented, the others complained that their property was not restored to them or that they were not compensated. Follow-up consultations were held during the sixty-first and sixty-sixth sessions (see A/53/40, para. 492, and below).

Democratic Republic of (formerly Zaire):	Ten Views finding violations: 16/1977 - Congo Mbenge et al., 90/1981 - Luyeye, 124/1982 - Muteba, 138/1983 - Mpandanjila et al., 157/1983 - Mpaka Nsusu, and 194/1985 - Miango (Selected Decisions, vol. 2); 241/1987 and 242/1987 - Birindwa and Tshisekedi (A/45/40); 366/1989 - Kanana (A/49/40); 542/1993 - Tshishimbi (A/51/40). No follow-up reply has been received in respect of any of the above cases, in spite of two reminders addressed to the State party.
Dominican Republic:	Three Views finding violations: 188/1984 - Portorreal (in Selected Decisions, vol. 2); for State party's follow-up reply, see A/45/40, vol. II, annex XII; 193/1985 - Giry (A/45/40), 449/1991 - Mójica (A/49/40); State party's follow-up reply in the latter two cases has been received but is incomplete in respect of Giry. Follow-up consultations with the Permanent Mission of the Dominican Republic to the United Nations were conducted during the fifty-seventh and fifty-ninth sessions (see A/52/40, para. 538).
Ecuador:	Five Views finding violations: 238/1987 - Bolanos (A/44/40); for State party's follow-up reply, see A/45/40, vol. II, annex XII, sect. B; 277/1988 - Terán Jijón (A/47/40); follow-up reply, dated 11 June 1992, unpublished; 319/1988 - Cañón García (A/47/40); no follow-up reply received; 480/1991 - Fuenzalida (A/51/40); 481/1991 - Ortega (A/52/40); for State party's follow-up reply in the latter two cases dated 9 January 1998, see A/53/40, para. 494. Follow-up consultations with the Permanent Mission of Ecuador to the United Nations Office at Geneva were conducted during the sixty-first session (see A/53/40, para. 493). For further follow-up replies, dated 29 January and 14 April 1999, see below.
Equatorial Guinea:	Two Views finding violations: 414/1990 - Primo Essono and 468/1991 - Oló Bahamonde (A/49/40). State party's follow-up reply remains outstanding in both cases, in spite of follow-up consultations with the Permanent Mission of Equatorial Guinea to the United Nations during the fifty-sixth and fifty-ninth sessions (see A/51/40, paras. 442-444 and A/52/40, para. 539).
Finland:	Four Views finding violations: 265/1987 - Vuolanne (A/44/40); for State party's follow-up reply, see A/44/40, para. 657 and annex XII; 291/1988 - Torres (A/45/40); for State party's follow-up reply, see A/45/40, vol. II, annex XII,

	sect. C; 387/1989 - Kárttunen (A/48/40); for follow-up reply, dated 20 April 1999, see below; 412/1990 - Kivenmaa (A/49/40); State party's preliminary follow-up reply, dated 13 September 1994, unpublished; for further follow-up reply, dated 20 April 1999, see below.
France:	Two Views finding violations: 196/1985 - Gueye et al. (A/44/40); for State party's follow-up reply, see A/51/40, para. 459; 549/1993 - Hopu (A/52/40); for State party's follow-up reply, see A/53/40, para. 495.
Georgia:	Four Views finding violations: 623/1995 - Domukovsky; 624/1995 - Tsiklauri; 626/1995 - Gelbekhiani; 627/1995 - Dokvadze (A/53/40); for State party's follow-up replies, dated 19 August and 27 November 1998, see below.
Guyana:	One decision finding violations: 676/1996 - Yasseen and Thomas (A/53/40); no follow-up reply received.
Hungary:	Two Views finding violations: 410/1990 - Párkányi (A/47/40) and 521/1992 - Kulomin (A/51/40); for State party's follow-up reply, see A/52/40, para. 540.
Jamaica:	Eighty Views finding violations: 19 detailed follow-up replies received, of which 17 indicate that State party will not implement the Committee's recommendations; one promised to investigate, and one announced the author's release (see below); 35 general replies, indicating merely that authors' death sentences had been commuted. No follow-up replies in 26 cases. Follow-up consultations with the State party's Permanent Representatives to the United Nations and to the United Nations Office at Geneva were conducted during the fifty-third, fifty-fifth, fifty-sixth and sixtieth sessions. Prior to the Committee's fifty-fourth session, the Special Rapporteur for the follow-up on Views conducted a follow-up fact-finding mission to Jamaica (A/50/40, paras. 557-562).
Libyan Arab Jamahiriya:	One decision finding violations: 440/1990 - El-Megreisi (A/49/40); State party's follow-up reply remains outstanding. Author has informed the Committee that his brother was released in March 1995. Compensation remains outstanding.

Madagascar:	Four Views finding violations: 49/1979 - Marais; 115/1982 - Wight; 132/1982 - Jaona; and 155/1983 - Hammel (in Selected Decisions, vol. 2). State party's follow-up reply remains outstanding in all four cases; the authors of the two first cases informed the Committee that they were released from detention. Follow-up consultations with the Permanent Mission of Madagascar to the United Nations were held during the fifty-ninth session (A/52/40, para. 543).
Mauritius:	One decision finding violations: 35/1978 - Aumeeruddy-Cziffra et al. (in Selected Decisions, vol. 1); for State party's follow-up reply, see Selected Decisions, vol. 2, annex I.
Netherlands:	Four Views finding violations: 172/1984 - Broeks (A/42/40); State party's follow-up reply, dated 23 February 1995, unpublished; 182/1984 - Zwaan-de Vries (A/42/40); State party's follow-up reply, unpublished; 305/1988 - van Alphen (A/45/40); for State party's follow-up reply, see A/46/40, paras. 707 and 708; 453/1991 - Coeriel (A/50/40); State party's follow-up reply, dated 28 March 1995, unpublished.
Nicaragua:	One decision finding violations: 328/1988 - Zelaya Blanco (A/49/40); follow-up reply remains outstanding, in spite of reminder addressed to State party in June 1995 and follow-up consultations with the Permanent Mission of Nicaragua to the United Nations during the fifty-ninth session (A/52/40, para. 544).
Panama:	Two Views finding violations: 289/1988 - Wolf (A/47/40); 473/1991 - Barroso (A/50/40). For State party's follow-up reply, dated 22 September 1997, see A/53/40, paras. 496 and 497.
Peru:	Six Views finding violations: for four cases, see A/52/40, paras. 524, 545-546; 540/1993 - Laureano (A/51/40); State party's follow-up reply remains outstanding; 577/1994 - Espinoza de Polay (A/53/40); for State party's follow-up replies, see A/53/40, para. 498.
Republic of Korea:	Three Views finding violations: 518/1992 - Sohn (A/50/40); State party's follow-up reply remains outstanding (see A/51/40, paras. 449 and 450; A/52/40, paras. 547 and 548); 574/1994 - Kim (annex XI, sect. A); 628/1995 - Park (annex XI,

	sect. K); for follow-up reply, dated 15 March 1999, with respect to Park, see below.
Senegal:	One decision finding violations: 386/1989 - Famara Koné (A/50/40); for State party's follow-up reply, see A/51/40, para. 461. By letter of 29 April 1997, author confirmed that compensation was offered to him but he rejected it as inadequate. At the sixty-first session, the State party informed the Committee that the compensation offered had been increased. See summary record of the 1619th meeting, held on 21 October 1997 (CCPR/C/SR.1619).
Spain:	Two Views finding violations: 493/1992 - Griffin (A/50/40); State party's follow-up reply, dated 30 June 1995, unpublished, in fact challenges Committee's findings; 526/1993 - Hill (A/52/40); for State party's follow-up reply, see A/53/40, para. 499.
Suriname:	Eight Views with findings of violations: 146/1983 and 148-154/1983 - Baboeram et al. (in Selected Decisions, vol. 2); consultations held during the fifty-ninth session (see A/51/40, para. 451 and A/52/40, para. 549); for State party's follow-up reply, see A/53/40, paras. 500-501).
Togo:	Two Views with findings of violations: 422-424/1990 - Aduayom et al. and 505/1992 - Ackla (A/51/40). State party's follow-up replies on both Views remain outstanding.
Trinidad and Tobago:	Twelve Views finding violations: 232/1987 and 512/1992 - Pinto (A/45/40 and A/51/40); 362/1989 - Soogrim (A/48/40); 447/1991 - Shalto (A/50/40); 434/1990 - Seerattan and 523/1992 - Neptune (A/51/40); 533/1993 - Elahie (A/52/40); and 554/1993 - LaVende, 555/1993 - Bickaroo, 569/1993 - Matthews and 672/1995 - Smart (A/53/40); 594/1992 - Phillip and 752/1997 - Henry (annex XI, sect. DD). State party's follow-up replies (unpublished) received in respect of Pinto, Shalto, Neptune and Seerattan. Follow-up replies on the remainder of the cases are outstanding. Follow-up consultations were conducted during the sixty-first session (A/53/40, paras. 502-507); see also A/51/40, paras. 429, 452, 453, and A/52/40, paras. 550-552.
Uruguay:	Forty-five Views finding violations: 43 follow-up replies received, dated 17 October 1991, unpublished. Follow-up replies on two Views

	remain outstanding: 159/1983 - Cariboni (in Selected Decisions, vol. 2) and 322/1988 - Rodríguez (A/49/40); see also A/51/40, para. 454.
Venezuela:	One decision finding violations: 156/1983 - Solórzano (in Selected Decisions, vol. 2); State party's follow-up reply, dated 21 October 1991, unpublished.
Zambia:	Three Views finding violations: 314/1988 - Bwalya and 326/1988 - Kalenga (A/48/40; 390/1990 - Lubuto (A/51/40); State party's follow-up reply, dated 3 April 1995, unpublished, received in respect of the first two decisions; follow-up reply in respect of Lubuto case remains outstanding.

462. For further information on the status of all the Views in which follow-up information remains outstanding or in respect of which follow-up consultations have been or will be scheduled, reference is made to the follow-up progress report prepared for the sixty-fifth session of the Committee (CCPR/C/65/R.1, dated 1 March 1999). An overview, similar to that in chapter VII of the present Report, of the Committee's past experience with the follow-up procedure can be found in the Committee's three previous Reports: A/53/40, paras. 480-510, A/52/40, paras. 518-557 and A/51/40, paras. 424-466).

Overview of follow-up replies received and of the Special Rapporteur's follow-up consultations during the reporting period

463. The Committee welcomes the follow-up replies that have been received during the reporting period and expresses its appreciation for all the measures taken or envisaged to provide victims of violations of the Covenant with an effective remedy. It encourages all States parties which have addressed preliminary follow-up replies to the Special Rapporteur to conclude their investigations in as expeditious a manner as possible and to inform the Special Rapporteur of their results.

464. The follow-up replies received during the period under review are summarized below.

465. Czech Republic. The Permanent Mission of the Czech Republic to the United Nations Office at Geneva requested a meeting with the Special Rapporteur on the follow-up of Views. On 13 July 1999, during the Committee's sixty-sixth session, Mr. Pocar met with Ambassador M. Somol and the Director-General at the Ministry of Foreign Affairs, Mr. Jiri Malenowsky. Several issues were discussed, including the legal, constitutional and political problems that the State party is facing in fully implementing the Committee's Views with respect to communications Nos. 516/1992 - Simunek and 586/1994 - Adam.

466. Ecuador. By submission of 29 January 1999, the Government of Ecuador informed the Committee that it had met with Mr. Villacres Ortega's representative on 18 January in order to come to a friendly settlement on the basis of the Committee's Views. By further submission of 14 April 1999, the

Government of Ecuador forwarded to the Committee a copy of the agreement of compensation concluded with the representative of Mr. Villacres Ortega on 26 February 1999. In the agreement, the State party recognized its international responsibility for having violated articles 7 and 10, paragraph 1, in the author's case and agreed to pay him, within 90 days, US$ 25,000 for damages. The State party, moreover, agreed to take civil, penal and administrative action against the perpetrators of the violations and to take the necessary steps to bring them to justice and reserved its right to claim back from the perpetrators the amount of damages paid. For the full text of the agreement, see annex IX. A similar agreement was concluded with Mr. Garcia Fuenzalida on 16 June 1999.

467. Finland. By submission of 20 April 1999, the Government of Finland informed the Committee about developments concerning the measures taken in respect of the Committee's Views in case No. 387/1989 - Karttunen. The State party recalled that in 1993 it had contacted the author's lawyer and that it was agreed that he would request an annulment of the domestic decision by the Supreme Court and that the matter of compensation would be examined afterwards. Counsel, however, had failed to present a request for annulment or for compensation. The State party further informed the Committee that the Code of Judicial Procedure, at issue in the case, had been amended effective 1 May 1998. According to the new provisions of the Code, oral hearings could be requested by any of the parties before the court of appeal.

468. By submission of 20 April 1999, in respect of case No. 412/1990 - Kivenmaa, the Government of Finland informed the Committee that on 27 May 1998, the Ministry of the Interior had decided, at the request by the author, to grant her compensation of Fmk 3,000. The author appealed this decision to the Supreme Administrative Court requesting Fmk 20,000 in compensation and Fmk 10,000 for legal expenses. The case has been transferred to the County Administrative Court of Uusimaa for consideration and is still pending. A new Act on the Freedom of Assembly had been approved by Parliament on 17 February 1999 and would enter into force in autumn 1999.

469. Georgia. By submission of 19 August 1998, the State party challenged the Committee's Views in cases Nos. 623/1995 - Domukovsky, 624/1995 - Tsiklauri, 626/1995 - Gelbakhiani and 627/1995 - Dokvadze in what amounts to a belated submission on the merits. The State party rejected the Committee's recommendation to release Mr. Gelbekhiani and Mr. Dokvadze, but stated that Mr. Tsiklauri had been released and that the case of Mr. Domukovsky was being considered. By further submission of 27 November 1998, the State party informed the Committee that the President of Georgia had pardoned Mr. Domukovsky and that he had been released from prison.

470. Jamaica. Several follow-up replies from the Government of Jamaica were received in the reporting period, most of them indicating that it could not follow the Committee's recommendation. In case No. 592/1994 - Clive Johnson, the State party, by submission of 26 March 1999, informed the Committee that its Privy Council had supported the Committee's Views and that the author's release was imminent.

471. Republic of Korea. By submission, dated 15 March 1999, in respect of case No. 628/1995 - Park, the Government of the Republic of Korea informed the

Committee that the author's request for compensation was being reviewed by the Supreme Court. It further informed the Committee that it was considering amending the National Security Law or replacing it with a new act in order to take into account the Committee's Views. The Ministry of Justice had translated the Committee's Views and they had been made public through the mass media. The judiciary had also been informed.

Publicity of follow-up activities

472. During the fiftieth session, in March 1994, the Committee formally adopted a number of decisions concerning the effectiveness of and publicity for the follow-up procedure. Those decisions, which are set out in detail in paragraphs 435-437 of the Committee's Report A/51/40, provide for publicity to be given to follow-up activities and to the cooperation or non-cooperation of States parties with the Special Rapporteur.

Concern over the follow-up mandate

473. The Committee reconfirms that it will keep the functioning of the follow-up procedure under regular review.

474. The Committee again expresses its regret that its recommendation, formulated in its three previous Reports, to the effect that at least one follow-up mission per year be budgeted by the Office of the United Nations High Commissioner for Human Rights, has still not been implemented. Similarly, the Committee considers that staff resources to service the follow-up mandate remain inadequate, despite the Committee's repeated requests, and that this prevents the proper and timely conduct of follow-up activities, including follow-up missions. In this context, the Committee expresses serious concern that, because of a lack of staff, only one follow-up consultation could be organized during the reporting period. It is also for this reason that the Committee is unable even to include in the present Report (as it has done in previous years) a complete list of States which have failed to cooperate under the follow-up procedure.

475. Currently, the Committee is in the process of discussing means to strengthen the follow-up procedure, inter alia by engaging the States parties to the Optional Protocol in a concerted effort to assist the Committee in its follow-up activities.

Notes

1.The Covenant continues to apply by succession in one other State, Kazakhstan. See note (d) to annex I. See also the note (e) to annex I.

2.Trinidad and Tobago withdrew from the Optional Protocol and re-acceded, subject to reservations concerning capital punishment, with effect from 26 August 1998. Guyana withdrew from the Optional Protocol and re-acceded, subject to reservations concerning capital pubishment, with effect from 5 April 1999.

3.See note 1 to the Committee's 1998 report. Official records of the General Assembly, Fifty-third Session, Supplement No. 40 (A/53/40).

4.Ibid., para. 7.

5.Ibid., para. 20.

6.Ibid., Fiftieth Session, Supplement No. 40 (A/50/40).

7.Ibid., Fifty-first Session, Supplement No. 40 (A/51/40).

8.Official Records of the General Assembly, Fifty-first Session, Supplement No. 40 (A/51/40), paras. 26-34; ibid., Fifty-second Session, Supplement No. 40 (A/52/40), paras. 31-39; ibid., Fifty-third Session, Supplement No. 40 (A/53/40), paras. 32-40.

9.Ibid., Fifty-third Session, Supplement No. 40 (A/53/40), vol. I.

10.Ibid., Fifty-second Session, Supplement No. 40 (A/52/40), paras. 46-47.

11.Official Records of the General Assembly, Fifty-third Session, Supplement No. 40 (A/53/40), vol. I, paras. 430-432.

12.Ibid., Fifty-second Session, Supplement No. 40 (A/52/40), vol. I, para. 467.

13.Ibid., para. 469.

14.Ibid., vol. II, annex VI, sect. F.

15.Ibid., Forty-seventh Session, Supplement No. 40 (A/47/40), annex IX, sect. R.

16.The mandate is spelled out in rule 95 of the Committee's rules of procedure and in the Committee's 1990 report to the General Assembly. See Official Records of the General Assembly, Forty-fifth Session, Supplement No. 40 (A/45/40), annex XI. Further references in this chapter to reports of the Human Rights Committee are in the form of the document symbol only.

17.International Covenant on Civil and Political Rights. Human Rights Committee. Selected Decisions under the Optional Protocol (United Nations publication, Sales No. 84.XIV.2), vol. 1, hereafter "Selected Decisions, vol. 1".

18.Ibid., vol. 2 (United Nations publication, Sales No. 89.XIV.1), hereafter "Selected Decisions, vol. 2".

ANNEX I

States parties to the International Covenant on Civil and Political Rights and to the Optional Protocols and States which have made the declaration under article 41 of the Covenant as at 30 July 1999

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
A. States parties to the International Covenant on Civil and Political Rights (145)		
Afghanistan	24 January 1983 a/	24 April 1983
Albania	4 October 1991 a/	4 January 1992
Algeria	12 September 1989	12 December 1989
Angola	10 January 1992 a/	10 April 1992
Argentina	8 August 1986	8 November 1986
Armenia	23 June 1993 a/	b/
Australia	13 August 1980	13 November 1980
Austria	10 September 1978	10 December 1978
Azerbaijan	13 August 1992 a/	b/
Barbados	5 January 1973 a/	23 March 1976
Belarus	12 November 1973	23 March 1976
Belgium	21 April 1983	21 July 1983
Belize	10 June 1996 a/	10 September 1996
Benin	12 March 1992 a/	12 June 1992
Bolivia	12 August 1982 a/	12 November 1982
Bosnia and Herzegovina	1 September 1993 c/	6 March 1992
Brazil	24 January 1992 a/	24 April 1992
Bulgaria	21 September 1970	23 March 1976
Burkina Faso	4 January 1999 a/	4 April 1999
Burundi	9 May 1990 a/	9 August 1990
Cambodia	26 May 1992 a/	26 August 1992
Cameroon	27 June 1984 a/	27 September 1984
Canada	19 May 1976 a/	19 August 1976
Cape Verde	6 August 1993 a/	6 November 1993
Central African Republic	8 May 1981 a/	8 August 1981
Chad	9 June 1995 a/	9 September 1995
Chile	10 February 1972	23 March 1976
Colombia	29 October 1969	23 March 1976
Congo	5 October 1983 a/	5 January 1984
Costa Rica	29 November 1968	23 March 1976

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
Côte d'Ivoire	26 March 1992 a/	26 June 1992
Croatia	12 October 1992 c/	8 October 1991
Cyprus	2 April 1969	23 March 1976
Czech Republic	22 February 1993 c/	1 January 1993
Democratic People's Republic of Korea	14 September 1981 a/	14 December 1981
Democratic Republic of the Congo	1 November 1976 a/	1 February 1977
Denmark	6 January 1972	23 March 1976
Dominica	17 June 1993 a/	17 September 1993
Dominican Republic	4 January 1978 a/	4 April 1978
Ecuador	6 March 1969	23 March 1976
Egypt	14 January 1982	14 April 1982
El Salvador	30 November 1979	29 February 1980
Equatorial Guinea	25 September 1987 a/	25 December 1987
Estonia	21 October 1991 a/	21 January 1992
Ethiopia	11 June 1993 a/	11 September 1993
Finland	19 August 1975	23 March 1976
France	4 November 1980 a/	4 February 1981
Gabon	21 January 1983 a/	21 April 1983
Gambia	22 March 1979 a/	22 June 1979
Georgia	3 May 1994 a/	b/
Germany	17 December 1973	23 March 1976
Greece	5 May 1997 a/	5 August 1997
Grenada	6 September 1991 a/	6 December 1991
Guatemala	6 May 1992 a/	5 August 1992
Guinea	24 January 1978	24 April 1978
Guyana	15 February 1977	15 May 1977
Haiti	6 February 1991 a/	6 May 1991
Honduras	25 August 1997	25 November 1997
Hungary	17 January 1974	23 March 1976
Iceland	22 August 1979	22 November 1979
India	10 April 1979 a/	10 July 1979
Iran, Islamic Republic of	24 June 1975	23 March 1976
Iraq	25 January 1971	23 March 1976
Ireland	8 December 1989	8 March 1990
Israel	3 October 1991 a/	3 January 1992

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
Italy	15 September 1978	15 December 1978
Jamaica	3 October 1975	3 March 1976
Japan	21 June 1979	21 September 1979
Jordan	28 May 1975	23 March 1976
Kazakhstan d/		
Kenya	1 May 1972 a/	23 March 1976
Kuwait	21 May 1996 a/	21 August 1996
Kyrgyzstan	7 October 1994 a/	b/
Latvia	14 April 1992 a/	14 July 1992
Lebanon	3 November 1972 a/	23 March 1976
Lesotho	9 September 1992 a/	9 December 1992
Libyan Arab Jamahiriya	15 May 1970 a/	23 March 1976
Liechtenstein	10 December 1998 a/	10 March 1999
Lithuania	20 November 1991 a/	20 February 1992
Luxembourg	18 August 1983	18 November 1983
Madagascar	21 June 1971	23 March 1976
Malawi	22 December 1993 a/	22 March 1994
Mali	16 July 1974 a/	23 March 1976
Malta	13 September 1990 a/	13 December 1990
Mauritius	12 December 1973 a/	23 March 1976
Mexico	23 March 1981 a/	23 June 1981
Monaco	28 August 1997	28 November 1997
Mongolia	18 November 1974	23 March 1976
Morocco	3 May 1979	3 August 1979
Mozambique	21 July 1993 a/	21 October 1993
Namibia	28 November 1994 a/	28 February 1995
Nepal	14 May 1991	14 August 1991
Netherlands	11 December 1978	11 March 1979
New Zealand	28 December 1978	28 March 1979
Nicaragua	12 March 1980 a/	12 June 1980
Niger	7 March 1986 a/	7 June 1986
Nigeria	29 July 1993 a/	29 October 1993
Norway	13 September 1972	23 March 1976
Panama	8 March 1977	8 June 1997
Paraguay	10 June 1992 a/	10 September 1992
Peru	28 April 1978	28 July 1978
Philippines	23 October 1986	23 January 1987
Poland	18 March 1977	18 June 1977
Portugal	15 June 1978	15 September 1978
Republic of Korea	10 April 1990 a/	10 July 1990

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
Republic of Moldova	26 January 1993 a/	b/
Romania	9 December 1974	23 March 1976
Russian Federation	16 October 1973	23 March 1976
Rwanda	16 April 1975 a/	23 March 1976
Saint Vincent and the Grenadines	9 November 1981 a/	9 February 1982
San Marino	18 October 1985 a/	18 January 1986
Senegal	13 February 1978	13 May 1978
Seychelles	5 May 1992 a/	5 August 1992
Sierra Leone	23 August 1996 a/	23 November 1996
Slovakia	28 May 1993 c/	1 January 1993
Slovenia	6 July 1992 c/	25 June 1991
Somalia	24 January 1990 a/	24 April 1990
South Africa	10 December 1998 a/	10 March 1999
Spain	27 April 1977	27 July 1977
Sri Lanka	11 June 1980 a/	11 September 1980
Sudan	18 March 1986 a/	18 June 1986
Suriname	28 December 1976 a/	28 March 1977
Sweden	6 December 1971	23 March 1976
Switzerland	18 June 1992 a/	18 September 1992
Syrian Arab Republic	21 April 1969 a/	23 March 1976
Tajikistan	4 January 1999	4 April 1999
Thailand	29 October 1996 a/	29 January 1997
The former Yugoslav Republic of Macedonia	17 September 1991 c/	17 September 1991
Togo	24 May 1984 a/	24 August 1984
Trinidad and Tobago	21 December 1978 a/	21 March 1979
Tunisia	18 March 1969	23 March 1976
Turkmenistan	1 May 1997 a/	b/
Uganda	21 June 1995 a/	21 September 1995
Ukraine	12 November 1973	23 March 1976
United Kingdom of Great Britain and Northern Ireland	20 May 1976	20 August 1976

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
United Republic of Tanzania	11 June 1976 a/	11 September 1976
United States of America	8 June 1992	8 September 1992
Uruguay	1 April 1970	23 March 1976
Uzbekistan	28 September 1995	b/
Venezuela	10 May 1978	10 August 1978
Viet Nam	24 September 1982 a/	24 December 1982
Yemen	9 February 1987 a/	9 May 1987
Yugoslavia	2 June 1971	23 March 1976
Zambia	10 April 1984 a/	10 July 1984
Zimbabwe	13 May 1991 a/	13 August 1991

In addition to the States parties listed above, the Covenant continues to apply in Hong Kong, Special Administrative Region, People's Republic of China. c/

B. States parties to the Optional Protocol (95)

Algeria	12 September 1989 a/	12 December 1989
Angola	10 January 1992 a/	10 April 1992
Argentina	8 August 1986 a/	8 November 1986
Armenia	23 June 1993	23 September 1993
Australia	25 September 1991 a/	25 December 1991
Austria	10 December 1987	10 March 1988
Barbados	5 January 1973 a/	23 March 1976
Belarus	30 September 1992 a/	30 December 1992
Belgium	17 May 1994 a/	17 August 1994
Benin	12 March 1992 a/	12 June 1992
Bolivia	12 August 1982 a/	12 November 1982
Bosnia and Herzegovina	1 March 1995	1 June 1995
Bulgaria	26 March 1992 a/	26 June 1992
Burkina Faso	4 January 1999 a/	4 April 1999
Cameroon	27 June 1984 a/	27 September 1984
Canada	19 May 1976 a/	19 August 1976
Central African Republic	8 May 1981 a/	8 August 1981
Chad	9 June 1995	9 September 1995
Chile	28 May 1992 a/	28 August 1992
Colombia	29 October 1969	23 March 1976
Congo	5 October 1983 a/	5 January 1984
Costa Rica	29 November 1968	23 March 1976
Côte d'Ivoire	5 March 1997	5 June 1997
Croatia	12 October 1995	12 January 1996
Cyprus	15 April 1992	15 July 1992

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
Czech Republic	22 February 1993 c/	1 January 1993
Democratic Republic of the Congo	1 November 1976 a/	1 February 1977
Denmark	6 January 1972	23 March 1976
Dominican Republic	4 January 1978 a/	4 April 1978
Ecuador	6 March 1969	23 March 1976
El Salvador	6 June 1995	6 September 1995
Equatorial Guinea	25 September 1987 a/	25 December 1987
Estonia	21 October 1991 a/	21 January 1992
Finland	19 August 1975	23 March 1976
France	17 February 1984 a/	17 May 1984
Gambia	9 June 1988 a/	9 September 1988
Georgia	3 May 1994 a/	3 August 1994
Germany	25 August 1993	25 November 1993
Greece	5 May 1997 a/	5 August 1997
Guinea	17 June 1993	17 September 1993
Guyana f/	10 May 1993 a/	10 August 1993
Hungary	7 September 1988 a/	7 December 1988
Iceland	22 August 1979 a/	22 November 1979
Ireland	8 December 1989	8 March 1990
Italy	15 September 1978	15 December 1978
Kyrgyzstan	7 October 1994 a/	7 January 1995
Latvia	22 June 1994 a/	22 September 1994
Libyan Arab Jamahiriya	16 May 1989 a/	16 August 1989
Liechtenstein	10 December 1998 a/	10 March 1999
Lithuania	20 November 1991 a/	20 February 1992
Luxembourg	18 August 1983 a/	18 November 1983
Madagascar	21 June 1971	23 March 1976
Malawi	11 June 1996	11 September 1996
Malta	13 September 1990 a/	13 December 1990
Mauritius	12 December 1973 a/	23 March 1976
Mongolia	16 April 1991 a/	16 July 1991
Namibia	28 November 1994 a/	28 February 1995
Nepal	14 May 1991 a/	14 August 1991
Netherlands	11 December 1978	11 March 1979
New Zealand	26 May 1989 a/	26 August 1989

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
Nicaragua	12 March 1980 a/	12 June 1980
Niger	7 March 1986 a/	7 June 1986
Norway	13 September 1972	23 March 1976
Panama	8 March 1977	8 June 1977
Paraguay	10 January 1995 a/	10 April 1995
Peru	3 October 1980	3 January 1981
Philippines	22 August 1989 a/	22 November 1989
Poland	7 November 1991 a/	7 February 1992
Portugal	3 May 1983	3 August 1983
Republic of Korea	10 April 1990 a/	10 July 1990
Romania	20 July 1993 a/	20 October 1993
Russian Federation	1 October 1991 a/	1 January 1992
Saint Vincent and the Grenadines	9 November 1981 a/	9 February 1982
San Marino	18 October 1985 a/	18 January 1986
Senegal	13 February 1978	13 May 1978
Seychelles	5 May 1992 a/	5 August 1992
Sierra Leone	23 August 1996 a/	23 November 1996
Slovakia	28 May 1993	1 January 1993
Slovenia	16 July 1993 a/	16 October 1993
Somalia	24 January 1990 a/	24 April 1990
Spain	25 January 1985 a/	25 April 1985
Sri Lanka a/	3 October 1997	3 January 1998
Suriname	28 December 1976 a/	28 March 1977
Sweden	6 December 1971	23 March 1976
Tajikistan	4 January 1999 a/	4 April 1999
The former Yugoslav Republic of Macedonia	12 December 1994 a/	12 March 1995
Togo	30 March 1988 a/	30 June 1988
Trinidad and Tobago f/	14 November 1980 a/	14 February 1981
Turkmenistan b/	1 May 1997 a/	1 August 1997
Uganda	14 November 1995	14 February 1996
Ukraine	25 July 1991 a/	25 October 1991
Uruguay	1 April 1970	23 March 1976
Uzbekistan	28 September 1995	28 December 1995
Venezuela	10 May 1978	10 August 1978
Zambia	10 April 1984 a/	10 July 1984

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
C. States parties to the Second Optional Protocol, aiming at the abolition of the death penalty (38)		
Australia	2 October 1990 a/	11 July 1991
Austria	2 March 1993	2 June 1993
Azerbaijan	22 January 1999 a/	22 April 1999
Belgium	8 December 1998	8 March 1999
Colombia	5 August 1997	5 November 1997
Costa Rica	5 June 1998	5 September 1998
Croatia	12 October 1995	12 January 1996
Denmark	24 February 1994	24 May 1994
Ecuador	23 February 1993 a/	23 May 1993
Finland	4 April 1991	11 July 1991
Georgia	22 March 1999 a/	22 June 1999
Germany	18 August 1992	18 November 1992
Greece	5 May 1997 a/	5 August 1997
Hungary	24 February 1994 a/	24 May 1994
Iceland	2 April 1991	11 July 1991
Ireland	18 June 1993 a/	18 September 1993
Italy	14 February 1995	14 May 1995
Liechtenstein	10 December 1998	10 March 1999
Luxembourg	12 February 1992	12 May 1992
Malta	29 December 1994	29 March 1995
Mozambique	21 July 1993 a/	21 October 1993
Namibia	28 November 1994 a/	28 February 1995
Nepal	4 March 1998	4 June 1998
Netherlands	26 March 1991	11 July 1991
New Zealand	22 February 1990	11 July 1991
Norway	5 September 1991	5 December 1991
Panama	21 January 1993 a/	21 April 1993
Portugal	17 October 1990	11 July 1991
Romania	27 February 1991	11 July 1991
Seychelles	15 December 1994 a/	15 March 1995
Slovakia	22 June 1999 a/	22 September 1999
Slovenia	10 March 1994	10 June 1994
Spain	11 April 1991	11 July 1991
Sweden	11 May 1990	11 July 1991
Switzerland	16 June 1994 a/	16 September 1994
The former Yugoslav Republic of Macedonia	26 January 1995 a/	26 April 1995
Uruguay	21 January 1993	21 April 1993
Venezuela	22 February 1993	22 May 1993

D. States which have made the declaration under article 41 of the Covenant (47)

State party	Valid from	Valid until
Algeria	12 September 1989	Indefinitely
Argentina	8 August 1986	Indefinitely
Australia	28 January 1993	Indefinitely
Austria	10 September 1978	Indefinitely
Belarus	30 September 1992	Indefinitely
Belgium	5 March 1987	Indefinitely
Bosnia and Herzegovina	6 March 1992	Indefinitely
Bulgaria	12 May 1993	Indefinitely
Canada	29 October 1979	Indefinitely
Chile	11 March 1990	Indefinitely
Congo	7 July 1989	Indefinitely
Croatia	12 October 1995	12 October 1996
Czech Republic	1 January 1993	Indefinitely
Denmark	23 March 1976	Indefinitely
Ecuador	24 August 1984	Indefinitely
Finland	19 August 1975	Indefinitely
Gambia	9 June 1988	Indefinitely
Germany	28 March 1979	27 March 1996
Guyana	10 May 1993	Indefinitely
Hungary	7 September 1988	Indefinitely
Iceland	22 August 1979	Indefinitely
Ireland	8 December 1989	Indefinitely
Italy	15 September 1978	Indefinitely
Liechtenstein	10 March 1999	Indefinitely
Luxembourg	18 August 1983	Indefinitely
Malta	13 September 1990	Indefinitely
Netherlands	11 December 1978	Indefinitely
New Zealand	28 December 1978	Indefinitely
Norway	23 March 1976	Indefinitely
Peru	9 April 1984	Indefinitely
Philippines	23 October 1986	Indefinitely
Poland	25 September 1990	Indefinitely
Republic of Korea	10 April 1990	Indefinitely
Russian Federation	1 October 1991	Indefinitely
Senegal	5 January 1981	Indefinitely
Slovakia	1 January 1993	Indefinitely
Slovenia	6 July 1992	Indefinitely
South Africa	10 March 1999	Indefinitely
Spain	25 January 1985	25 January 1993
Sri Lanka	11 June 1980	Indefinitely

State party	Valid from	Valid until
Sweden	23 March 1976	Indefinitely
Switzerland	18 September 1992	18 September 1997
Tunisia	24 June 1993	Indefinitely
Ukraine	28 July 1992	Indefinitely
United Kingdom of Great Britain and Northern Ireland	20 May 1976	Indefinitely
United States of America	8 September 1992	Indefinitely
Zimbabwe	20 August 1991	Indefinitely

Notes

a/ Accession.

b/ In the opinion of the Committee, the entry into force goes back to the date when the State became independent.

c/ Succession.

d/ Although a declaration of succession has not been received, the people within the territory of the State - which constituted part of a former State party to the Covenant - continue to be entitled to the guarantees enunciated in the Covenant in accordance with the Committee's established jurisprudence (see Official Records of the General Assembly, Forty-ninth Session, Supplement No. 40 (A/49/40), vol. I, paras. 48 and 49).

e/ For information on the application of the Covenant in Hong Kong, Special Administrative Region, People's Republic of China (see Official Records of the General Assembly, Fifty-first Session, Supplement No. 40 (A/51/40), chap. V, sect. B, paras. 78-85).

f/ Trinidad and Tobago denounced the Optional Protocol on 26 May 1998 and reacceded on the same day subject to reservations, with effect from 26 August 1998. Guyana denounced the Optional Protocol on 5 January 1999 and reacceded on the same day subject to reservations, with effect from 5 April 1999.

ANNEX II

MEMBERSHIP AND OFFICERS OF THE HUMAN RIGHTS COMMITTEE, 1998-1999

A. Membership of the Human Rights Committee
Sixty-fourth Session (October/November 1998)

Mr. Nisuke ANDO	Japan
Mr. Prafullachandra Natwarlal BHAGWATI	India
Mr. Thomas BUERGENTHAL	United States of America
Ms. Christine CHANET	France
Lord COLVILLE	United Kingdom of Great Britain and Northern Ireland
Mr. Omran EL SHAFEI	Egypt
Ms. Elizabeth EVATT	Australia
Mr. Eckart KLEIN	Germany
Mr. David KRETZMER	Israel
Ms. Pilar GAITAN DE POMBO	Colombia
Mr. Rajsoomer LALLAH	Mauritius
Ms. Cecilia MEDINA QUIROGA	Chile
Mr. Fausto POCAR	Italy
Mr. Julio PRADO VALLEJO	Ecuador
Mr. Martin SCHEININ	Finland
Mr. Roman WIERUSZEWSKI	Poland
Mr. Maxwell YALDEN	Canada
Mr. Abdallah ZAKHIA	Lebanon

B. Membership of the Human Rights Committee, Sixty-fifth and Sixty-sixth Sessions (March-April, July 1999)

Mr. Abdelfattah AMOR**	Tunisia
Mr. Nisuke ANDO**	Japan
Mr. Prafullachandra Natwarlal BHAGWATI**	India
Mr. Thomas BUERGENTHAL***	United States of America
Ms. Christine CHANET**	France
Lord COLVILLE*	United Kingdom of Great Britain and Northern Ireland
Ms. Elizabeth EVATT*	Australia
Mr. Eckart KLEIN**	Germany
Mr. David KRETZMER**	Israel
Ms. Pilar GAITAN DE POMBO*	Colombia
Mr. Rajsoomer LALLAH*	Mauritius
Ms. Cecilia MEDINA QUIROGA**	Chile
Mr. Fausto POCAR*	Italy
Mr. Martin SCHEININ*	Finland
Mr. Hipólito SOLARI YRIGOYEN**	Argentina
Mr. Roman WIERUSZEWSKI*	Poland
Mr. Maxwell YALDEN*	Canada
Mr. Abdallah ZAKHIA*	Lebanon

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* Term expires on 31 December 2000.
** Term expires on 31 December 2002.
*** Resigned 26 May 1999.

C. Officers

The officers of the Committee during the sixty-fourth session in October/November 1998 were:

Chairperson:	Ms. Christine Chanet
Vice-Chairpersons:	Mr. Prafullachandra Natwarlal Bhagwati
	Mr. Omran El Shafei
	Ms. Cecilia Medina Quiroga
Rapporteur:	Ms. Elizabeth Evatt

The officers of the Committee, elected for two year terms at the 1729th meeting, on 22 March 1999 (sixty-fifth session), are as follows:

Chairperson:	Ms. Cecilia Medina Quiroga
Vice-Chairpersons:	Mr. Abdelfattah Amor
	Mr. Prafullachandra Natwarlal Bhagw
	Ms. Elizabeth Evatt
Rapporteur:	Lord Colville

ANNEX III

Submission of reports and additional information by States parties under article 40 of the Covenant

State party	Type of report	Date due	Date of submission
Afghanistan	Second periodic	23 April 1989	25 October 1991 a/
	Third periodic	23 April 1994	Not yet received
	Fourth periodic	23 April 1999	Not yet received
Albania	Initial/Special	3 January 1993	Not yet received
	Second periodic	3 January 1998	Not yet received
Algeria	Third periodic	1 June 2000	Not yet due
Angola	Initial	31 January 1994 b/	Not yet received
	Second periodic	9 April 1998	Not yet received
Argentina	Third periodic	7 November 1997	20 July 1998
	Fourth periodic	7 November 2002	Not yet due
Armenia	Second periodic	1 October 2001 c/	Not yet due
Australia	Third periodic	12 November 1991	28 August 1998
	Fourth periodic	12 November 1996	28 August 1998
Austria	Fourth periodic	1 October 2002 c/	Not yet due
Azerbaijan	Second periodic	12 November 1998	Not yet received
Barbados	Third periodic	11 April 1991	Not yet received
	Fourth periodic	11 April 1996	Not yet received
Belarus	Fifth periodic	7 November 2001 c/	Not yet due
Belgium	Fourth periodic	1 October 2002	Not yet due
Belize	Initial	9 September 1997	Not yet received
Benin	Initial	11 June 1993	Not yet received
	Second periodic	12 June 1998	Not yet received
Bolivia	Third periodic	31 December 1999 c/	Not yet due
Bosnia and Herzegovina	Initial	5 March 1993	Not yet received
	Second periodic	5 March 1998	Not yet received
Brazil	Second periodic	23 April 1998	Not yet received
Bulgaria	Third periodic	31 December 1994 c/	Not yet received
Burkina Faso	Initial	3 April 2000	Not yet due
Burundi	Second periodic	8 August 1996	Not yet received
Cambodia	Second periodic	31 July 2002 c/	Not yet received
Cameroon	Third periodic	26 September 1995	6 March 1997
Canada	Fifth periodic	8 April 2000	Not yet due
Cape Verde	Initial	5 November 1994	Not yet received
Central African Republic	Second periodic	9 April 1989 c/	Not yet received
	Third periodic	7 August 1992	Not yet received
	Fourth periodic	7 August 1997	Not yet received
Chad	Initial	8 September 1996	Not yet received
Chile	Fifth periodic	30 April 2002 c/	Not yet received
China (Hong Kong SAR)	Fifth periodic	18 August 1999	11 January 1999
Colombia	Fifth periodic	2 August 2000	Not yet due
Congo	Second periodic	4 January 1990	9 July 1996
	Third periodic	4 January 1995	Not yet received

State party	Type of report	Date due	Date of submission
Costa Rica	Fifth periodic	30 April 2004 c/	Not yet due
Côte d'Ivoire	Initial	25 June 1993	Not yet received
	Second periodic	25 June 1998	Not yet received
Croatia	Initial	7 October 1992	Not yet received
	Second periodic	7 October 1997	Not yet received
Cyprus	Fourth periodic	1 June 2002 c/	Not yet due
Czech Republic	Initial	31 December 1993	Not yet received
	Second periodic	31 December 1998	Not yet received
Democratic People's Republic of Korea	Second periodic	13 October 1987	Not yet received
	Third periodic	13 October 1992	Not yet received
	Fourth periodic	13 October 1997	Not yet received
Democratic Republic of the Congo	Third periodic a/	31 July 1991 c/	Not yet received
	Fourth periodic	30 January 1993	Not yet received
	Fifth periodic	30 January 1997	Not yet received
Denmark	Fourth periodic	31 December 1998	30 December 1998
Dominica	Initial	16 September 1994	Not yet received
Dominican Republic	Fourth periodic	3 April 1994	Not yet received
	Fifth periodic	3 April 1999	Not yet received
Ecuador	Fifth periodic	1 June 2001 c/	Not yet due
Egypt	Third periodic	31 December 1994 c/	Not yet received
	Fourth periodic	13 April 1998	Not yet received
El Salvador	Third periodic	31 December 1995 c/	Not yet received
	Fourth periodic	28 February 1996	Not yet received
Equatorial Guinea	Initial	24 December 1988	Not yet received
	Second periodic	24 December 1993	Not yet received
	Third periodic	24 December 1998	Not yet received
Estonia	Second periodic	20 January 1998	Not yet received
Ethiopia	Initial	10 September 1994	Not yet received
Finland	Fifth periodic	1 June 2003 c/	Not yet due
France	Fourth periodic	31 December 2000 c/	Not yet due
Gabon	Second periodic	31 December 1998 c/	6 February 1998
Gambia	Second periodic	21 June 1985	Not yet received
	Third periodic	21 June 1990	Not yet received
	Fourth periodic	21 June 1995	Not yet received
Georgia	Second periodic	2 August 2000	Not yet due
Germany	Fifth periodic	3 August 2000 c/	Not yet due
Greece	Initial	4 August 1998	Not yet received
Grenada	Initial	5 December 1992	Not yet received
	Second periodic	5 December 1997	Not yet received
Guatemala	Second periodic	4 August 1998	Not yet received

State party	Type of report	Date due	Date of submission
Guinea	Third periodic	30 September 1994	Not yet received
	Fourth periodic	30 September 1999	Not yet received
Guyana	Second periodic	10 April 1987	1 February 1999
	Third periodic	10 April 1992	Not yet received
	Fourth periodic	10 April 1997	Not yet received
Haiti	Initial	30 December 1996 d/	Not yet received
	Second periodic	5 May 1997	Not yet received
Honduras	Initial	24 November 1998	2 April 1998
Hungary	Fourth periodic	2 August 1995	Not yet received
Iceland	Fourth periodic	30 October 2003 c/	Not yet due
India	Fourth periodic	31 December 2001 c/	Not yet due
Iran (Islamic Republic of)	Third periodic	31 December 1994 c/	Not yet received
Iraq	Fifth periodic	4 April 2000	Not yet due
Ireland	Second periodic	7 March 1996	29 September 1998
Israel	Second periodic	1 June 2000 c/	Not yet due
Italy	Fifth periodic	1 June 2002 c/	Not yet due
Jamaica	Third periodic	7 November 2001 c/	Not yet due
Japan	Fifth periodic	31 October 2002 c/	Not yet due
Jordan	Fourth periodic	21 January 1997	Not yet received
Kenya	Second periodic	11 April 1986	Not yet received
	Third periodic	11 April 1991	Not yet received
	Fourth periodic	11 April 1996	Not yet received
Kuwait	Initial	20 August 1997	18 May 1998
Kyrgyzstan	Initial	6 January 1996	5 May 1998
Latvia	Second periodic	14 July 1998	Not yet received
Lebanon	Third periodic	31 December 1999 c/	Not yet due
Lesotho	Second periodic	30 April 2002 c/	Not yet due
Libyan Arab Jamahiriya	Fourth periodic	1 October 2002 c/	Not yet due
Liechtenstein	Initial	11 March 2000	Not yet due
Lithuania	Second periodic	7 November 2001 c/	Not yet due
Luxembourg	Third periodic	17 November 1994	Not yet received
Madagascar	Third periodic	30 July 1992 c/	Not yet received
	Fourth periodic	3 August 1993	Not yet received
	Fifth periodic	3 August 1998	Not yet received
Malawi	Initial	21 March 1995	Not yet received
Mali	Second periodic	11 April 1986	Not yet received
	Third periodic	11 April 1991	Not yet received
	Fourth periodic	11 April 1996	Not yet received
Malta	Second periodic	12 December 1996	Not yet received
Mauritius	Fourth periodic	30 June 1998 c/	Not yet received

State party	Type of report	Date due	Date of submission
Mexico	Fifth periodic	30 July 2002 c/	Not yet due
Monaco	Initial	27 November 1998	Not yet received
Mongolia	Fourth periodic	4 April 1995	20 April 1998
Morocco	Fourth periodic	31 October 1996	27 January 1997
Mozambique	Initial	20 October 1994	Not yet received
Namibia	Initial	27 February 1996	Not yet received
Nepal	Second periodic	13 August 1997	Not yet received
Netherlands	Third periodic	31 October 1991	Not yet received
	Fourth periodic	31 October 1996	Not yet received
Netherlands (Antilles)	Third periodic	31 October 1991	10 February 1999
Netherlands (Antilles)	Fourth periodic	31 October 1996	10 February 1999
New Zealand	Fourth periodic	27 March 1995	Not yet received
Nicaragua	Third periodic	11 June 1991	Not yet received
	Fourth periodic	11 June 1996 c/	Not yet received
Niger	Second periodic	31 March 1994	Not yet received
	Third periodic	6 June 1997	Not yet received
Nigeria	Second periodic	28 October 1999	Not yet due
Norway	Fourth periodic	1 August 1996	4 February 1997
Panama	Third periodic	31 March 1992 c/	Not yet received
	Fourth periodic	6 June 1993	Not yet received
	Fifth periodic	6 June 1998	Not yet received
Paraguay	Second periodic	9 September 1998	Not yet received
Peru	Fourth periodic	9 April 1998	3 July 1998
Philippines	Second periodic	22 January 1993	Not yet received
	Third periodic	22 January 1998	Not yet received
Poland	Fifth periodic	30 July 2003 c/	Not yet due
Portugal	Fourth periodic	1 August 1996	1 March 1999
Portugal (Macau)	Fourth periodic	30 June 1998	1 March 1999
Republic of Korea	Second periodic	9 April 1996	2 October 1997
Republic of Moldova	Initial	25 April 1994	Not yet received
	Second periodic	25 April 1999	Not yet received
Romania	Fifth periodic	30 July 2003 c/	Not yet due
Russian Federation	Fifth periodic	4 November 1998	Not yet received
Rwanda	Third periodic	10 April 1992	Not yet received
	Special e/	31 January 1995	Not yet received
	Fourth periodic	10 April 1997	Not yet received
Saint Vincent and the Grenadines	Second periodic	31 October 1991 c/	Not yet received
	Third periodic	8 February 1993	Not yet received
	Fourth periodic	8 February 1998	Not yet received

State party	Type of report	Date due	Date of submission
San Marino	Second periodic	17 January 1992	Not yet received
	Third periodic	17 January 1997	Not yet received
Senegal	Fifth periodic	4 April 2000	Not yet due
Seychelles	Initial	4 August 1993	Not yet received
	Second periodic	4 August 1998	Not yet received
Sierra Leone	Initial	22 November 1997	Not yet received
Slovakia	Second periodic	31 December 2001 c/	Not yet due
Slovenia	Second periodic	24 June 1997	Not yet received
Somalia	Initial	23 April 1991	Not yet received
	Second periodic	23 April 1996	Not yet received
South Africa	Initial	9 March 2000	Not yet due
Spain	Fifth periodic	28 April 1999	Not yet received
Sri Lanka	Fourth periodic	10 September 1996	Not yet received
Sudan	Third periodic	7 November 2001	Not yet due
Suriname	Second periodic	2 August 1985	Not yet received
	Third periodic	2 August 1990	Not yet received
	Fourth periodic	2 August 1995	Not yet received
Sweden	Fifth periodic	27 October 1999	Not yet due
Switzerland	Second periodic	17 September 1998	9 September 1998
Syrian Arab Republic	Second periodic	18 August 1984	Not yet received
	Third periodic	18 August 1989	Not yet received
	Fourth periodic	18 August 1994	Not yet received
Tajikistan	Initial	3 April 2000	Not yet due
Thailand	Initial	28 January 1998	Not yet received
The former Yugoslav Republic of Macedonia	Second periodic	1 June 2000 c/	Not yet due
Togo	Third periodic	30 December 1995 c/	Not yet received
Trinidad and Tobago	Third periodic	20 March 1990	Not yet received
	Fourth periodic	20 March 1995	Not yet received
Tunisia	Fifth periodic	4 February 1998	Not yet received
Turkmenistan	Initial	31 July 1998	Not yet received
Uganda	Initial	20 September 1996	Not yet received
Ukraine	Fifth periodic	18 August 1999	Not yet due
United Kingdom of Great Britain and Northern Ireland (Jersey, Guernsey and Isle of Man)	Fourth periodic	18 August 1994	12 February 1997
United Kingdom of Great Britain and Northern Ireland	Fifth periodic	18 August 1999	Not yet due

State party	Type of report	Date due	Date of submission
United Republic of Tanzania	Fourth periodic	1 June 2002 c/	Not yet due
United States of America	Second periodic	7 September 1998	Not yet received
Uruguay	Fifth periodic	21 March 2003 c/	Not yet due
Uzbekistan	Initial	27 December 1996	10 June 1999
Venezuela	Third periodic	31 December 1993 c/	8 July 1998
	Fourth periodic	1 November 1995	Not yet received
Viet Nam	Second periodic	30 July 1991 c/	Not yet received
	Third periodic	23 December 1993	Not yet received
	Fourth periodic	23 December 1998	Not yet received
Yemen	Third periodic	8 May 1998	Not yet received
Yugoslavia	Fourth periodic	3 August 1993	5 March 1999
	Fifth periodic	3 August 1998	Not yet received
Zambia	Third periodic	30 June 1998 c/	Not yet received
Zimbabwe	Second periodic	1 June 2002 c/	Not yet due

Notes

a/ At its fifty-fifth session, the Committee requested the Government of Afghanistan to submit information updating the report before 15 May 1996 for consideration at its fifty-seventh session.

b/ The date for the submission of this report was fixed by special decision of the Committee.

c/ The date for the submission of this report was fixed by a decision of the Committee following consideration of the preceding report.

d/ Although a declaration of succession has not been received, the people within the territory of the State - which constituted part of a former State party to the Covenant - continue to be entitled to the guarantees enunciated in the Covenant in accordance with the Committee's established jurisprudence (see Official Records of the General Assembly, Forty-ninth Session, Supplement No. 40 (A//49/40), vol. I, paras. 48 and 49).

e/ Pursuant to a Committee decision of 27 October 1994 (fifty-second session), Rwanda was requested to submit by 31 January 1995 a report relating to recent and current events affecting the implementation of the Covenant in the country for consideration at the fifty-second session.

ANNEX IV

Status of reports considered during the period under review and of reports still pending before the Committee

State party	Date due	Date of submission	Status
		A. Initial reports	
Armenia	22 September 1994	14 July 1997	Examined on 26 October 1998 (sixty-fourth session)
Cambodia	25 August 1993	24 November 1997	Examined on 14 July 1999 (sixty-sixth session)
Kuwait	20 August 1997	18 May 1998	In translation
Kyrgyzstan	6 January 1996	5 May 1998	In translation
Lesotho	8 December 1993	8 April 1998	Examined on 1 April 1999 (sixty-fifth session)
Uzbekistan	27 December 1996	10 June 1999	In translation
		B. Second periodic reports	
Congo	4 January 1990	9 July 1996	Issued, not yet considered
Gabon	31 December 1998	6 February 1998	In translation
Guyana	10 April 1997	1 February 1999	Issued, not yet considered
Ireland	7 March 1996	29 September 1998	In translation
Republic of Korea	9 April 1996	2 October 1997	Issued, not yet considered
Switzerland	17 September 1998	9 September 1998	In translation
		C. Third periodic reports	
Argentina	7 November 1997	20 July 1998	In translation
Austria	9 April 1993	22 April 1997	Examined on 30 October 1998 (sixty-fourth session)

Australia	12 November 1991	28 August 1998	In translation
Belgium	20 July 1994	21 August 1996	Examined on 22 October 1998, (sixty-fourth session)
Cameroon	26 September 1995	6 March 1997	Issued, not yet considered
Iceland	31 December 1994	23 March 1995	Examined on 21 October 1998 (sixty-fourth session)
Libyan Arab Jamahiriya	31 December 1995	29 November 1995	Examined on 27 October 1998 (sixty-fourth session)
Netherlands (Antilles)	31 October 1991	10 February 1999	In translation
Venezuela	31 December 1993	8 July 1998	In translation

D. Fourth periodic reports

Australia	12 November 1996	28 August 1998	In translation
Canada	8 April 1995	4 April 1997	Examined on 26 March 1999, sixty-fifth session
Chile	28 April 1994	6 October 1997	Examined on 24 March 1999 (sixty-fifth session)
Costa Rica	2 August 1995	6 January 1998	Examined on 5 April 1999 (sixty-fifth session)
Japan	31 October 1996	16 June 1997	Examined on 28/29 October 1998 (sixty-fourth session)
Mexico	22 June 1997	30 June 1997	Examined on 16 July 1999 (sixty-sixth session)
Mongolia	4 April 1995	20 March 1998	In translation
Morocco	31 October 1996	27 January 1997	Issued, not yet considered
Norway	1 August 1996	4 February 1997	Issued, not yet considered

Peru	9 April 1998	3 July 1998	Issued, not yet considered
Poland	27 October 1994	7 May 1996	Examined on 19 July 1999 (sixty-sixth session)
Portugal (Macau)	30 June 1998	1 March 1999	Issued, not yet considered
Romania	31 December 1994	26 April 1996	Examined on 20 July 1999, (sixty-sixth session)
United Kingdom of Great Britain and Northern Ireland (Jersey, Guernsey and Isle of Man)	18 August 1994	12 February 1997	Issued, not yet considered

E. Fifth periodic reports

Hong Kong (Special Administrative Region, submitted by the People's Republic of China)	18 August 1999	11 January 1999	In translation

ANNEX V

List of States parties' delegations that participated in the consideration of their respective reports by the Human Rights Committee at its sixty-fourth, sixty-fifth and sixty-sixth sessions

(Listed in the order in which their reports were considered)

ICELAND

Representative	Mr. Thorsteinn Geirsson, Secretary-General, Ministry of Justice and Ecclesiastical Affairs, Reykjavik
Advisers	Mr. Benedikt Jónsson, Ambassador, Permanent Representative of Iceland to the United Nations Office at Geneva
	Mr. Jónas Thór Gudmundsson, Head of Section, Ministry of Justice and Ecclesiastical Affairs, Reykjavik

BELGIUM

Representative	Mr. J.M. Noirfalisse, Ambassador, Permanent Representative of Belgium to the United Nations Office at Geneva
Advisers	Ms. M. Fostier, Deputy Permanent Representative of Belgium to the United Nations Office at Geneva
	Mr. C. Debrulle, Director-General, Administrative Office of Penal Legislation and Human Rights, Ministry of Justice, Brussels
	Mr. S. Janssen, Member of the Cabinet of the Minister of Justice, Brussels
	Mrs. S. Vermeulen, Deputy Counsellor, Administrative Office of Penal Legislation and Human Rights, Ministry of Justice, Brussels

ARMENIA

Representative	Mr. Ashot Melik-Shahnazarian, Ambassador-at-Large, Ministry of Foreign Affairs
Advisers	Mr. Karen Nazarian, Permanent Representative of Armenia to the United Nations Office at Geneva
	Ms. Arpine Gevorgian, Third Secretary, Permanent Mission of Armenia to the United Nations Office at Geneva
	Ms. Aline Dedeyan, Expert, Permanent Mission of Armenia to the United Nations Office at Geneva

LIBYAN ARAB JAMAHIRIYA

Representative	Mr. Said Hafyana, Prosecution Office
Advisers	Mr. Najib Kleba, Head, Human Rights Office, General People's Committee for Justice
	Ms. Najat Al-Hajjaji, Chargé d'affaires, Permanent Mission of the Libyan Arab Jamahiriya to the United Nations Office at Geneva
	Mrs. Nazik Shaweish, General People's Committee for Foreign Liaisons and International Cooperation

JAPAN

Representative	Mr. Nobutoshi Akao, Ambassador, Permanent Representative of Japan to the United Nations Office at Geneva
Advisers	Mr. Yoshiki Mine, Deputy Permanent Representative of Japan to the United Nations Office at Geneva
	Mr. Toshio Kaitani, Director, Human Rights and Refugee Division, Multilateral Cooperation Department, Foreign Policy Bureau, Ministry of Foreign Affairs
	Mr. Shozo Fujita, Director, General Affairs Division, Bureau of Corrections, Ministry of Justice
	Mr. Katsuyuki Nishikawa, Director, Enforcement Division, Immigration Bureau, Ministry of Justice
	Mr. Kenji Tsunekawa, Director, International Labour Affairs Division, Minister's Secretariat, Ministry of Labour
	Mr. Kazunari Watanabe, Special Assistant for Detention Administration, General Affairs Division, Commissioner-General's Secretariat, National Police Agency
	Mr. Yorihiko Katsuno, Director, Office of Upper Secondary Education Reform, Upper Secondary School Division, Elementary and Secondary Education Bureau, Ministry of Education, Science, Sports and Culture
	Mr. Atsushi Suginaka, Deputy Director, Mental Health and Welfare Division, Department of Health and Welfare for Persons with Disabilities, Minister's Secretariat, Ministry of Health and Welfare
	Mr. Kunihiko Sakai, Counsellor, Minister's Secretariat, Ministry of Justice

Mr. Shigeki Sumi, Counsellor, Permanent Mission of Japan to the United Nations Office at Geneva

Mr. Makio Miyagawa, Counsellor, Permanent Mission of Japan to the United Nations Office at Geneva

Ms. Yoshiko Ando, Planning Director, Women's Policy Planning Division, Women's Bureau, Ministry of Labour

Mr. Tsuyoshi Kawabata, Attorney, Bureau of Corrections, Ministry of Justice

Mr. Nobuya Fukumoto, Attorney, Civil Affairs Bureau, Ministry of Justice

Mr. Takeshi Seto, First Secretary, Permanent Mission of Japan to the United Nations Office at Geneva

Mr. Yoshihide Asakura, Attorney and Assistant Director, Human Rights and Refugee Division, Multilateral Cooperation Department, Foreign Policy Bureau, Ministry of Foreign Affairs

Mr. Satoshi Tomiyama, Assistant Director, Security Division, Bureau of Corrections, Ministry of Justice

Mr. Koh Shikata, Assistant Director, First International Division, International Department, Commissioner-General's Secretariat, National Police Agency

Mr. Yoshinobu Maeda, Deputy-Director, Labour Legislation Division, Labour Relations Bureau, Ministry of Labour

Mr. Katsuhiko Shibayama, Assistant Director, General Affairs Division, Commissioner-General's Secretariat, National Police Agency

Mr. Satoru Kurokawa, Assistant Director, Investigative Planning Division, Criminal Investigation Bureau, National Police Agency

Mr. Yoshihiro Mukaiyama, Assistant Director, Security Planning Division, Security Bureau, National Police Agency

Mr. Shunichi Mitsuo, Unit Chief, Office of Foreigners' Education, International Affair's Planning Division, Science and International Affairs Bureau, Ministry of Education, Science, Sports and Culture

	Mr. Mamoru Nakanowatari, Human Rights and Refugee Division, Multilateral Cooperation Department, Foreign Policy Bureau, Ministry of Foreign Affairs
	Ms. Nobuko Iwatani, Special Assistant, Permanent Mission of Japan to the United Nations Office at Geneva
AUSTRIA	
Representative	Mr. Harald Kreid, Ambassador, Permanent Representative of Austria to the United Nations Office at Geneva
Advisers	Mr. Klaus Berchtold, Director, Federal Chancellery, Vienna
	Mr. Wolf Szymanski, Director-General, Federal Ministry for the Interior, Vienna
	Mrs. Elisabeth Riederer, First Secretary, Permanent Mission of Austria to the United Nations Office at Geneva
	Mr. Christian Marquet, Representative of the Federal Ministry for Justice
CHILE	
Representative	Mr. Alejandro Salinas, Director, Division for Human Rights, Ministry of Foreign Affairs
Advisers	Mr. Eduardo Tapia, First Secretary, Permanent Mission of Chile to the United Nations
	Mr. Claudio Troncoso, Adviser
	Ms. Carmen Bertoni, Adviser
	Mr. Christián Arévalo, Adviser
CANADA	
Representatives	Dr. Hedy Fry, Secretary of State (Status of Women)
	Mr. Ross Hynes, Minister-Counsellor, Permanent Mission of Canada to the United Nations
Advisers	Ms. Sue Barnes, Member of Parliament
	Ms. Clare Beckton, Justice Canada
	Ms. Kerry Buck, Department of Foreign Affairs and International Trade Canada
	Mr. Christian Deslauriers, Government of Quebec

Ms. Zeynet Karman, Status of Women Canada

Ms. Lucie McClung, Correctional Service Canada

Mr. Daniel Thérien, Citizenship and Immigration Canada

Mr. Georges Tsai, Citizenship and Immigration Canada

Mr. Rob Watts, Department of Indian and Northern Affairs Canada

Ms. Irit Weiser, Justice Canada

Ms. Marilyn Whitaker, Department of Indian and Northern Affairs Canada

Ms. Debra Young, Canadian Heritage

Mr. Ivan Zinger, Correctional Services

COSTA RICA

Representative	Ms. Mónica Nagel, Minister of Justice and Pardons
	Mr. Bernd Niehaus, Ambassador, Permanent Representative of Costa Rica to the United Nations Office at Geneva
Advisers	Mr. Carlos Fernando Díaz, Counsellor
	Ms. Marta Lora, Adviser

LESOTHO

Representative	Mr. Sephiri E. Motanyane, Minister
	Mr. Percy M. Mangoaela
Advisers	Mr. G.W.K.L. Kasozi
	Mr. G. Mofolo
	Mr. P. Mochochoko
	Mr. P. Chabanc
	Ms. L. Moteetee, Delegate

CAMBODIA

Representative	Mr. O.M. Yentieng, President, Human Rights Committee of Cambodia

Advisers	Mr. O.K. Vannarith, Member, Human Rights Committee of Cambodia
	Mr. I.T.H. Rady, Permanent Secretary of the Drafting Commission
MEXICO	
Representative	Mr. Miguel Angel González Felix, Legal Counsel, Secretariat for External Relations
Advisers	Mr. Alan Arias Marin, Deputy Coordinator, Coordination of Negotiation and Dialogue in Chiapas
	Mr. Enrique Ampudia Mello, Deputy Coordinator of Advisers to the Subsecretariat for Governing, Secretariat of Government
	Ms. Yanerit Morgan Sotomayor, Director, Relations with Organizations, General Directorate for Human Rights, Secretariat for External Relations
	Ms. Maria Isabel Garza Hurtado, Adviser to the Legal Counsel, Secretariat for External Relations
	Ms. Guillermina Sanchez Valderrama, Deputy Director, Civil Registry Programme, National Institute for the Indigenous
	Ms. Alicia Elena Pérez Duarte y N., Counsellor, Permanent Mission of Mexico to the United Nations Office at Geneva
	Mr. Arturo Sánchez Gutiérrez, Executive Director for Prerogatives, Federal Election Institute
POLAND	
Representative	Mr. Bogdan Borusewicz, Secretary of State, Ministry of Interior and Administration
Advisers	Mr. Krzysztof Jakubowski, Ambassador, Permanent Representative of Poland to the United Nations Office at Geneva
	Ms. Irena Kowalska, Office of the Minister of the Government for Family Matters
	Mr. Zenon Sobczynski, Ministry of Interior and Administration
	Mr. Artur Kozlowski, Ministry of Interior and Administration

Mr. Maciej Lewandowski, Ministry of Interior and Administration

Mr. Zbigniew Krasnodebski, Police General Headquarters

Mr. Tomasz Knothe, Minister, Permanent Mission of Poland to the United Nations Office at Geneva

Ms. Beata Ziorkiewicz, Ministry of Justice

Ms. Joanna Janiszewska, Ministry of Justice

Ms. Agnieszka Dabrowiecka, Ministry of Justice

Mr. Jerzy Ciechanski, Ministry of Labour and Social Policy

Mr. Igor Struminski, Ministry of Labour and Social Policy

Mr. Adam Laptas, Prison Service Central Administration

Mr. Jacek Tyszko, Permanent Mission of Poland to the United Nations Office at Geneva

Mr. Andrzej Sados, Ministry of Foreign Affairs

Ms. Elzbieta Brodzik, Interpreter

ROMANIA

Representative — Mr. Cristian Diaconescu, Director-General for Legal and Consular Affairs, Ministry for Foreign Affairs

Advisers — Mr. Ioan Maxim, Ambassador, Permanent Representative of Romania to the United Nations at Geneva

Ms. Iulia Cristina Tarcea, Director, Directorate for European Integration and Human Rights, Ministry of Justice

Ms. Ilinca Bran, Counsellor, Legal Department, Ministry of the Interior

Mr. Marko Attila, Director, Department for Minority Protection, Legal Directorate

Mr. Mircea Moldovan, Assistant People's Advocate

Ms. Victoria Sandru, Deputy Director, Directorate for Human Rights, Ministry for Foreign Affairs

Mr. Alexandru Farcas, Counsellor, Permanent Mission of Romania to the United Nations Office at Geneva

Mr. Anton Pacuretu, Second Secretary, Permanent Mission of Romania to the United Nations Office at Geneva

ANNEX VI

Letter dated 5 November 1998 from the Chairperson of the Committee addressed to the Chairman of the International Law Commission

Dear Mr. Baena Soares,

I refer to my letter of 9 April 1998, a/ in which I transmitted the initial reaction of the Human Rights Committee to the International Law Commission's Preliminary Conclusions on Reservations to Normative Multilateral Treaties, Including Human Rights Treaties.

The Human Rights Committee wishes to recall the views already expressed in the above-mentioned letter of 9 April as far as the role of universal monitoring bodies in the development of international practices and rules on reservations is concerned. Therefore, it reiterates its concern about the views expressed by the Commission in paragraph 12 of its Preliminary Conclusions, where it "emphasizes that the above conclusions are without prejudices to the practices and rules developed by monitoring bodies within regional contexts". In this connection, the Committee considers that regional monitoring bodies are not the only intergovernmental institutions which participate in and contribute to the development of practices and rules. Universal monitoring bodies, such as the Human Rights Committee, play no less important a role in the process by which such practices and rules develop and are entitled, therefore, to participate in and contribute to it. In this context, it must be recognized that the proposition enunciated by the Commission in paragraph 10 of the Provisional Conclusions is subject to modification as practices and rules developed by universal and regional monitoring bodies gain general acceptance.

Two main points must be stressed in this regard.

First, in the case of human rights treaties providing for a monitoring body, the practice of that body by interpreting the treaty, contributes - consistent with the Vienna Convention - to defining the scope of the obligations arising out of the treaty. Hence, in dealing with the compatibility of reservations, the views expressed by monitoring bodies necessarily are part of the development of international practices and rules relating thereto.

Second, it is to be underlined that universal monitoring bodies, such as the Human Rights Committee, must know the extent of the States parties' obligations in order to carry out their functions under the treaty by which they are established. Their monitoring role itself entails the duty to assess the compatibility of reservations, in order to monitor the compliance of States parties with the relevant instrument. When a monitoring body has reached a conclusion about the compatibility of a reservation, it will, in conformity with its mandate, base its interactions with the State party thereon. Furthermore, in the case of monitoring bodies dealing with individual communications, a reservation to the treaty, or to the instrument providing for individual communications, has procedural implications on the work of the body itself. When dealing with an individual communication, the monitoring body will therefore have to decide on the effect and scope of a reservation for the purpose of determining the admissibility of the communication.

The Human Rights Committee shares the International Law Committee's view, expressed in paragraph 5 of its Preliminary Conclusions, that monitoring bodies established by human rights treaties "are competent to comment upon and express recommendations with regard, inter alia, to the admissibility of reservations by States, in order to carry out the functions assigned to them". It follows that States parties should respect conclusions reached by the independent monitoring body competent to monitor compliance with the instrument within the mandate it has been given.

(Signed) Christine CHANET
Chairperson,
Human Rights Committee

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a/ See A/53/40, Annex IX.

ANNEX VII

Letter dated 27 July 1999 from the Chairperson of the Committee addressed to the United Nations High Commissioner for Human Rights concerning the eleventh meeting of chairpersons and the draft proposal for a plan of action

Dear Mrs. Robinson,

During its 1769th and 1770th meetings on Wednesday, 21 July and Thursday, 22 July, the Committee had the opportunity of discussing the draft report of the eleventh meeting of persons chairing the human rights treaty bodies and the draft proposal for a plan of action. The Committee regrets that these documents exist only in English and that no French or Spanish translation was available to facilitate the participation in the debate of our French- and Spanish-speaking members.

The Committee recalls that pursuant to article 36 of the Covenant, the Secretary-General shall provide the necessary staff and facilities for the effective performance of its functions, and draws attention to its repeated calls for additional staff to keep up with the growing number of States parties to the Covenant and to the Optional Protocol. The Committee's concerns about the number of staff made available to it has been formulated in every annual report since the Committee's 1988 report to the General Assembly (A/43/40, paras. 22, 430-432).

The Committee is pleased to note that the draft proposal for a plan of action reflects the recognition of the Office of the High Commissioner for Human Rights that additional staff is urgently needed. The Committee strongly believes, however, that in the allocation of resources the Secretary-General should give priority to ensuring that the Committee can carry out its core tasks. Moreover, because the Committee's mandate is of an ongoing, permanent nature, it is essential to ensure both appropriate expertise and continuity of resources.

The Committee stresses that among its most pressing needs are:

(a) Eliminating the backlog in communications received under the Optional Protocol but not processed for many months. Due respect for the authors of communications and victims of violations of Covenant rights makes solution of this problem a matter of highest priority. Qualified and experienced staff are needed not only for that purpose but also to deal with the continued accumulation of new unprocessed communications;

(b) Reducing the backlog of States parties' reports that have been received and not issued as United Nations documents.

(c) Ensuring implementation of the Committee's recommendations and decisions through appropriate follow-up action with respect both to communications and concluding observations on States parties' reports.

On behalf of the whole Committee, I would like to thank you for your continued interest in and commitment to our work.

(Signed) Cecilia Medina QUIROGA
Chairperson, Human Rights Committee

ANNEX VIII

List of documents issued during the reporting period

A. Reports of States parties examined (in the order of examination)

CCPR/C/94/Add.2	Third periodic report of Iceland
CCPR/C/94/Add.3	Third periodic report of Belgium
CCPR/C/92/Add.2	Initial report of Armenia
CCPR/C/102/Add.1	Third periodic report of the Libyan Arab Jamahiriya
CCPR/C/115/Add.3 and Corr.1	Fourth periodic report of Japan
CCPR/C/83/Add.3	Third periodic report of Austria
CCPR/C/95/Add.11	Fourth periodic report of Chile
CCPR/C/103/Add.5	Fourth periodic report of Canada
CCPR/C/81/Add.14	Initial report of Lesotho
CCPR/C/103/Add.6	Fourth periodic report of Costa Rica
CCPR/C/81/Add.12	Initial report of Cambodia
CCPR/C/123/Add.1	Fourth periodic report of Mexico
CCPR/C/95/Add.8	Fourth periodic report of Poland
CCPR/C/95/Add.7	Fourth periodic report of Romania

B. Reports of States parties issued but not yet examined

CCPR/C/115/Add.1	Fourth periodic report of Morocco
CCPR/C/115/Add.2	Fourth periodic report of Norway
CCPR/C/114/Add.1	Second periodic report of the Republic of Korea
CCPR/C/95/Add.10	Fourth periodic report of the United Kingdom of Great Britain and Northern Ireland (Jersey, Guernsey and the Isle of Man)
CCPR/C/POR/99/4	Fourth periodic report of Portugal (Macau)*
CCPR/C/HKSAR/99/1	First report by the Peoples' Republic of China on Hong Kong (Corresponds to the fifth periodic report on Hong Kong, formerly submitted by the United Kingdom)*

CCPR/C/DNK/98/4	Fourth periodic report of Denmark*
CCPR/C/PER/98/4	Fourth periodic report of Peru*
CCPR/C/VEN/98/3	Third periodic report of Venezuela*
CCPR/C/CH/98/2	Second periodic report of Switzerland*
CCPR/C/IRL/98/2	Second periodic report of Ireland*

C. Additional information supplied by States parties

CCPR/C/84/Add.8	Additional information supplied by Ecuador
CCPR/C/95/Add.12	Additional information supplied by Romania
CCPR/C/123/Add.2	Additional information supplied by Mexico

D. Concluding observations of the Human Rights Committee on the States parties' reports

CCPR/C/79/Add.98	Concluding observations on the third periodic report of Iceland
CCPR/C/79/Add.99	Concluding observations on the third periodic report of Belgium
CCPR/C/79/Add.100	Concluding observations on the initial report of Armenia
CCPR/C/79/Add.101	Concluding observations on the third periodic report of the Libyan Arab Jamahiriya
CCPR/C/79/Add.102	Concluding observations on the fourth periodic report of Japan
CCPR/C/79/Add.103	Concluding observations on the third periodic report of Austria
CCPR/C/79/Add.104	Concluding observations on the fourth periodic report of Chile
CCPR/C/79/Add.105	Concluding observations on the fourth periodic report of Canada
CCPR/C/79/Add.106	Concluding observations on the initial report of Lesotho
CCPR/C/79/Add.107	Concluding observations on the fourth periodic report of Costa Rica

CCPR/C/79/Add.108	Concluding observations on the initial report of Cambodia
CCPR/C/79/Add.109	Concluding observations on the fourth periodic report of Mexico
CCPR/C/79/Add.110	Concluding observations on the fourth periodic report of Poland
CCPR/C/79/Add.111	Concluding observations on the fourth periodic report of Romania

E. Provisional agendas and annotations

CCPR/C/135	Provisional agenda and annotations (sixty-fourth session)
CCPR/C/137	Provisional agenda and annotations (sixty-fifth session)
CCPR/C/138	Provisional agenda and annotations (sixty-sixth session)

F. Meetings of States parties

CCPR/SP/51 and Add.1-4	Election, in accordance with articles 28 to 32 of the International Covenant on Civil and Political Rights, of nine members of the Human Rights Committee to replace those whose terms are due to expire on 31 December 1998
CCPR/SP/52	Provisional Agenda for the Eighteenth Meeting of States Parties
CCPR/SP/53	Election, in accordance with articles 28 to 34 of the International Covenant on Civil and Political Rights, of one member of the Human Rights Committee to fill a vacancy produced by the resignation of a member whose term expires on 31 December 2000
CCPR/SP/54	Election, in accordance with articles 28 to 34 of the International Covenant on Civil and Political Rights, of one member of the Human Rights Committee to fill a vacancy produced by the resignation of a member whose term expires on 31 December 2000
CCPR/SP/55	Provisional agenda for the Nineteenth Meeting of States Parties

G. Summary records of Committee discussions

CCPR/C/SR.1700-1728	Summary records of the sixty-fourth session
CCPR/C/SR.1729-1753	Summary records of the sixty-fifth session
CCPR/C/SR.1754-1782	Summary records of the sixty-sixth session

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* By decision of the Human Rights Committee, the symbol of reports will henceforth be simplified to indicate the intials of the State party, the year of submission and the number of the report.

ANNEX IX

Agreement on follow-up to the views of the Human Rights Committee

I

BACKGROUND

The State of Ecuador, through the Office of the State Procurator-General, in its endeavour to promote and protect human rights and in view of the great current importance to the international image of Ecuador of unqualified respect for human rights as the underpinnings of a fair, worthy, democratic and representative society, has resolved to give fresh impetus to the growth of human rights in Ecuador.

The Office of the State Procurator-General has initiated conversations with all who have suffered violations of human rights, the objective being to arrive at amicable settlements that seek to make amends for the injury caused. The State of Ecuador [is] aware that, in strict accordance with its obligations under the International Covenant on Civil and Political Rights and other agreements on human rights under international law, any violation of an international obligation that has led to injury entails a duty to make appropriate restitution. Monetary compensation and the criminal punishment of the culprits being the fairest and most equitable way of doing so, the Office of the State Procurator-General and Mr. Jorge Oswaldo Villacres Ortega, duly represented by his special assignee, Sister Elsie Hope Monge Yoder, have resolved to strike an agreement on follow-up to the points made in Views No. 481/1991 by the Human Rights Committee.

II

PARTIES ATTENDING

The following attended the conclusion of the present agreement on follow-up:

(a) On the one hand, Dr. Ramón Jiménez Carbo, the State Procurator-General, as attested by the letter of appointment and certificate of office appended hereto as proof of competence; and

(b) On the other hand, Mr. Jorge Oswaldo Villacres Ortega, duly represented by his special assignee, Sister Elsie Hope Monge Yoder, as attested by the special power granted before Dr. Fabian E. Solano P., Twenty-Second Notary of the Canton of Quito, appended hereto as proof of competence.

III

RESPONSIBILITY OF THE STATE AND ACCEPTANCE OF CLAIM

The State of Ecuador acknowledges its international responsibility for having violated the human rights of Mr. Jorge Oswaldo Villacres Ortega recognized in articles 7 and 10, paragraph 1, of the International Covenant on Civil and Political Rights, in view of the fact that the latter was subjected to

torture, inhuman and degrading treatment at the hands of agents of the State, a fact that the State has been unable to undo and has rendered the State accountable before society.

Given this background, the State of Ecuador accepts the facts set forth in communication No. 481/1991 currently before the Human Rights Committee and undertakes to take such steps as are necessary to make restitution and compensate the victim or, failing the latter, his assignees and successors, for the injury caused by the said violations.

IV

INDEMNIFICATION

Given this background, the State of Ecuador, through the State Procurator-General acting as the sole judicial representative of the State of Ecuador in conformity with article 215 of the Political Constitution of the Republic, promulgated in the Official Register No. 1 and in force since 11 August 1998, awards Mr. Jorge Oswaldo Villacres Ortega lump-sum compensatory indemnification of twenty-five thousand United States dollars (US$ 25,000) or its equivalent in national currency calculated at the exchange rate in effect at the moment when this agreement is signed, payable from the General State Budget.

This indemnification covers the resultant injury, loss of earnings and attendant mental injury suffered by Mr. Jorge Oswaldo Villacres Ortega and any other claim that the latter or members of his family may have in relation to the matters referred to in this agreement, domestic and international legal standards being duly observed, and is payable from the General State Budget, to which end the Office of the State Procurator-General shall give notice to the Ministry of Finance and Public Lending to honour this obligation within 90 days of the signing of this document.

V

PUNISHMENT OF THE CULPRITS

The State of Ecuador, through the Office of the State Procurator-General, undertakes to prompt the Office of the Attorney-General and the competent judicial organs to bring to civil, criminal and administrative justice those persons who, in the performance of State functions or by taking advantage of public authority, are presumed to have taken part in the alleged violation.

The Office of the State Procurator-General undertakes to prompt the competent public or private bodies to furnish legally supported information that will permit the said persons to be put on trial. The trial, if it takes place, will be conducted subject to the constitutional and legal order of the State of Ecuador; thus no proceedings will be instituted against persons in respect of whom a final judgement in relation to the alleged act or violation has been handed down by the nation's tribunals and courts.

VI

RIGHT OF ACTION FOR RECOVERY

The State of Ecuado, reserves the right to bring an action for recovery, under article 22 of the Political Constitution, against the persons found to be responsible for the human rights violation by means of a final and firm judgement handed down by the country's courts, in accordance with article 14 of the International Covenant on Civil and Political Rights.

VII

EXEMPTION FROM TAX AND DELAY IN PERFORMANCE

The payment to be made by the State of Ecuador to the person to whom this agreement on follow-up relates shall be exempt from all existing and future taxation with the exception of the "1% tax" on circulating capital. Should the State incur a delay of more than 90 days from the signature of this agreement on follow-up, it shall pay interest on the sum owed corresponding to the current bank interest at the three banks with the largest client bases in Ecuador for the entire duration of the delay.

VIII

INFORMATION

The State of Ecuador, through the Office of the State Procurator-General, undertakes to report to the Human Rights Committee within three months on the State's compliance with the obligations assumed by virtue of this agreement on follow-up.

In keeping with its regular practice and its obligations under the International Covenant on Civil and Political Rights, the Human Rights Committee shall oversee compliance with this agreement.

IX

UNDERLYING LAW

The compensatory indemnification awarded by the State of Ecuador to Mr. Jorge Oswaldo Villacres Ortega is provided for in articles 22 and 24 of the Political Constitution of the Republic for breaches of constitutional norms and other provisions of the national legal order, and in the International Covenant on Civil and Political Rights and other international human rights agreements.

This agreement on follow-up to the Views of the United Nations Human Rights Committee is based on respect for the human rights recognized in the International Covenant on Civil and Political Rights and other international human rights agreements and in the policy of respecting and protecting human rights of the national Government of the Republic of Ecuador.

X

NOTIFICATION AND OFFICIAL APPROVAL

Mr. Jorge Oswaldo Villacres Ortega expressly authorizes the State Procurator-General to bring this agreement on follow-up to the attention of the Human Rights Committee for its official approval and ratification in all particulars.

XI

ACCEPTANCE

The parties participating at the signature of this agreement freely and voluntarily express their assent to and acceptance of the provisions above, placing on record that they are hereby putting an end to the dispute regarding the international responsibility of the State of Ecuador for the affected rights of Mr. Jorge Oswaldo Villacres Ortega which has been being pursued before the United Nations Human Rights Committee.

XII

PROOF OF COMPETENCE

The following documents are incorporated into this agreement on follow-up as proof of competence:

(a) A copy of the citizen's identity card of Dr. Ramón Jiménez Carbo, the State Procurator-General.

(b) Certified copies of the letter of appointment and certificate of office of the State Procurator-General.

(c) A copy of the special power granted by Mr. Jorge Oswaldo Villacres Ortega to Sister Elsie Hope Monge Yoder.

(d) A copy of the citizen's identity card of Sister Elsie Hope Monge Yoder.

In witness and acceptance whereof, the parties append their signatures in the city of San Francisco de Quito on the twenty-fifth day of February, one thousand nine hundred and ninety-nine.

(Signed)

Dr. Ramón JIMÉNEZ CARBO
State Procurator-General

(Signed)

Sister Elsie Hope MONGE YODER
CC.090509576-6

ANNEX X

Decision of 4 November 1998 of the Human Rights Committee concerning the execution of persons in Sierra Leone

The Human Rights Committee,

Meeting on 4 November 1998,

Acting under the International Covenant on Civil and Political Rights and its Optional Protocol,

Referring to the cases of Gilbert Samuth Kandu-Bo, Khemalai Idrissa, Tamba Gborie, Alfred Abu Sankoh, Hassan Karim Conteh, Daniel Kobina Anderson, John Amadu Sonica Conteh, Abu Bakarr Kamara, Abdul Karim Sesay, Kula Samba, Victor L. King, and Jim Kelly Jalloh, whose communications were submitted to the Human Rights Committee under the Optional Protocol on 13 and 14 October 1998,

Recalling that the Committee's Special Rapporteur for new communications requested the Government of Sierra Leone on 13 and 14 October 1998, under rule 86 of the Committee's rules of procedure, to stay the executions of the above-mentioned persons while their communication was under consideration by the Committee,

Deeply disturbed by the information that Gilbert Samuth Kandu-Bo, Khemalai Idrissa, Tamba Gborie, Alfred Abu Sankoh, Hassan Karim Conteh, Daniel Kobina Anderson, John Amadu Sonica Conteh, Abu Bakarr Kamara, Abdul Karim Sesay, Kula Samba, Victor L. King and Jim Kelly Jalloh were executed by firing squad outside Freetown on 19 October 1998,

Recalling that on 23 October 1998, an urgent request to provide clarifications, by 29 October 1998, about the circumstances surrounding the executions of the above-named persons was sent to the State party both through its Permanent Mission in New York and the Office of the Special Representative of the Secretary-General in Freetown,

Noting that no information has been received from the State party,

1. Expresses its indignation at the failure of the authorities of the State party to comply with the Committee's request for interim measures of protection pursuant to rule 86 of the Committee's rules of procedure, the attitude displayed by the State party being all the more regrettable as it concerned cases involving capital punishment of which the Committee was properly seized and was competent to examine, and as it occurred in the context of the consideration of the first cases submitted to the Committee since the Optional Protocol entered into force for Sierra Leone on 23 November 1996;

2. Recalls that the State party, upon ratifying the Optional Protocol, undertook to cooperate with the Committee under the procedure, and emphasizes that the State party has failed to comply with its obligations, both under the Optional Protocol and under the Covenant;

3. Deplores the State party's failure to make available, as requested by the Committee, specific clarifications of the circumstances surrounding the executions;

4. Decides to continue the consideration of the above-mentioned communications under the Optional Protocol;

5. Strongly urges the State party to ensure, by all means at its disposal, that situations similar to those surrounding the executions of the above-mentioned persons do not recur; in particular, the Committee urges compliance with its rule 86 requests in other cases of a similar nature of which the Committee is seized;

6. Urges the State party to present without delay its initial report under article 40 of the Covenant, which was due on 22 November 1997, for discussion by the Committee at its sixty-fifth session in March/April 1999 and, in any event, to submit by 15 February 1999 a report, in summary form if necessary, relating in particular to the application at the present time of articles 6, 7 and 14 of the Covenant;

7. Requests the Secretary-General to bring the present decision to the attention to the Government of Sierra Leone.

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